

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.OP.No.9303 of 2018

1.M.Josephine

2.Joe Anandraj

.. Petitioners/Accused 1 & 2

Versus

The Inspector of Police,
C2, Sunguvarchatram Police Station,
Kancheepuram District.
[Crime No.505 of 2014]

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judicial Magistrate, Sriperumbudur to dispose the petitioner petition seeking to recall the warrant issued against the petitioners on the same day in C.C.No.30 of 2018.

For Petitioners: Mr.S.N.Subramani

For Respondent : Mrs.V.Saratha Devi

Government Advocate (Crl.Side)

O R D E R

This petition is filed by the petitioner seeking a direction to direct the learned Judicial Magistrate, Sriperumbudur to dispose the petitioner petition seeking to recall the warrant issued against the petitioners on the same day in C.C.No.30 of 2018.

2. Heard Mr.S.N.Subramani, learned counsel appearing for the petitioners as well as Mrs.V.Saratha Devi, Government Advocate (Crl.Side) appearing for the respondent.

3. The learned counsel for the petitioners submitted that, since the first petitioner is aged 72 years and she is suffering from heart ailment and that the second petitioner has to take care of the first petitioner, they were unable to appear in the

case in C.C.No.30 of 2018 pending on the file of the learned Judicial Magistrate, Sriperumpudur on 21.03.2018 and therefore a Non-Bailable Warrant was issued against them on the same day. Hence, the petitioners approached this Court seeking a direction to recall the warrant.

4. On being satisfied with the reasons stated by the petitioners for their non appearance before the Trial Court and also considering the fact that NBW is issued against the petitioners, this Court is constrained to direct the petitioners to appear in person to file a petition under Section 70(2) of Cr.P.C. for recalling the Non-Bailable Warrant before the learned Judicial Magistrate, Sriperumbudur and in the event of filing such an application, the learned Judicial Magistrate, Sriperumbudur is directed to consider the same and pass orders on its own merits on the same day.

5. With the above observation, the Criminal Original Petition is disposed of.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

klr

To

- 1.The Judicial Magistrate, Sriperumbudur.
2. The Chief Judicial Magistrate, Kancheepuram
3. The Inspector of Police,
C2, Sunguvarchatram Police Station,
Kancheepuram District.
4. The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr.S.N. Subramani, Advocate sr 22577,22619

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SJ(CO)
RRK(28/03/2018)