

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.21462 of 2018

E.Rajeshwari

...Petitioner/Accused

Vs.

The State by
The Sub-Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the Learned Judicial Magistrate No.I, Tiruvannamalai to recall the Non Bailable Warrant issued against the petitioner in P.R.C.No.9 of 2017 dated 12.12.2017, by considering the petitioner surrender and recall the warrant petition on the same day.
[Prayer is amended as per order dated 19.09.2018 passed by PRMJ based on the Memo dated 18.09.2018]

For Petitioner : Mr.E.Sathiyaraj

For Respondent : M/s.M.Prabhavathi
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed by the accused to issue a direction to the learned Judicial Magistrate No.I, Tiruvannamalai, to recall Non-Bailable Warrant issued against him in P.R.C.No.9 of 2017 dated 12.12.2017 by considering the petitioner's surrender and recall petition on the same day.

2.The learned counsel for the petitioner has submitted that the petitioner has not received any summons, but the learned Judicial Magistrate No.I, Tiruvannamalai, has issued Non-Bailable Warrant and hence, the learned Judicial Magistrate

No.I, Tiruvannamalai may be directed to consider the petition to be filed by the petitioner to recall Non- Bailable Warrant on the same day.

3.The learned Additional Public Prosecutor has fairly conceded that summons were not served on the petitioner in PRC.No.9 of 2017.

4.Considering the aforesaid submissions, the petitioner is directed to surrender before the learned Judicial Magistrate No.I, Tiruvannamalai and file a petition to recall Non-Bailable Warrant within ten days from the date of receipt of a copy of this order. On such surrender and filing petition to recall the Non-Bailable Warrant, the learned Judicial Magistrate No.I, Tiruvannamalai, has to consider and dispose of the said petition on the same day.

5.With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vv2/vsa

To

1. The Judicial Magistrate No.I,
Thiruvannamalai.

2. The Sub-Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Sathiyaraj, Advocate, S.R.No.66377

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SSI (CO)
CS/26/09/18