

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.03.2018
CORAM
THE HONOURABLE MR. JUSTICE M.S. RAMESH
CRL.O.P.No.7840 of 2018

Elavarasan

...Petitioner

Vs

The State Rep by
The Inspector of Police,
All Women Police Station,
Namakkal,
Namakkal District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Mahila Court (FTC), Namakkal to recall the Non Bailable Warrant issued against the petitioner in Spl.C.C.No.40 of 2015 dated 02.12.2015 on the file of the Mahila Court (FTC), Namakkal.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition is filed by the petitioner seeking a direction to the learned Mahila Court (FTC), Namakkal to consider the recall warrant petition filed by him on the same day of his surrender.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that since the petitioner suffered from viral fever, he was unable to appear before the Mahila Court (FTC), Namakkal. He instructed his lower court counsel to file a petition under Section 317 Cr.P.C., on 02.12.2015. But the counsel failed to file the petition. Hence, the Non-Bailable Warrant came to be issued against the petitioner on 02.12.2015.

4. On being satisfied with the reason stated by the petitioner for his non appearance before the trial Court and also considering the fact that NBW is issued against the petitioner, this Court is constrained to direct the petitioner 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 Mahila Court (FTC), Namakkal and in the event of filing such an application, the learned Mahila Court (FTC), Namakkal is directed to consider the same and pass orders on its own merits on the same day.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Mahila Court Judge(FTC), Namakkal
 - 2.The Inspector of Police,
All Women Police Station,
Namakkal,
Namakkal District.
 - 3.The Public Prosecutor,
High Court, Madras.
- +1 cc to M/s.Camyles Gandhi Advocate sr 19701

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