

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27463 of 2018

A.R.Mohsin Sait

... Petitioner/Accused

Vs.

State by
Inspector of Police,
B.1. Police Station,
Ootacamund,
Nilgiris.

... Respondent/Complainant

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to set aside the Docket Order passed by him in Un Numbered Crl.M.P.No.... of 2018 in S.T.C.No.763 of 2014, dated 02.04.2018 in returning the petition filed by the petitioner herein under Section 70(2) Cr.P.C. to recall the Non Bailable warrant against the petitioner herein in the above case in S.T.C.No.763 of 2014 on his file.

For Petitioner : Mr.T.Shanmugam

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below returning the petition filed by the petitioner to recall the Non Bailable Warrant issued against him.

2. It is seen from records that the case has been registered against the petitioners and others for an offences under Sections 147, 448, 385 and 506(i) of IPC. The petitioner was not present before the Court below on 06.01.2018. Therefore, Non Bailable Warrant has been issued against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has been diagnosed with Infective Exacerbation of

Chronic Obstructive Pulmonary Disease Type-I Respiratory Failure - On LTOT and he was bed ridden and he has taken continuous treatment from the hospital. The relevant hospital records have also been filed before this Court.

4. In the facts and circumstances of the case, the petitioner is permitted to file a fresh petition for re-call of Non Bailable Warrant by providing all the particulars before the Court below and the Court below shall consider the same on merits in accordance with law and shall pass an order on the same day.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
B.1. Police Station,
Ootacamund,
Nilgiris.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Shanmugam, Advocate sr.no.81027

Cr1.O.P.No.27463 of 2018

sai(co)
nr 12/12/2018

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