



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.3069 of 2018

Kaverinathan

... Petitioner/Accused No.9

-vs-

State represented by
Inspector of Police
Manamadurai Police Station,
Sivagangai District.
(Crime No.363 of 2002)

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to recall the Non Bailable Warrant issued against the petitioner on 30.05.2016 in S.C.No.151 of 2011 pending before the learned Additional District and Sessions Judge, (Mahila Court), Sivagangai.

For Petitioner : Mr.S.Ravi

For Respondent : Mr.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

This petition has been filed by the accused No.9, to recall the NBW which was issued against the petitioner on 30.05.2016 in S.C.No. 151 of 2011 on the file of Additional District and Sessions Judge, (Mahila Court), Sivagangai.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is facing trial along with other accused persons for the offence under Sections 147, 148, 458, 324, 307, 379 (N.P) of IPC and under Section 3 of TNPPDL Act. He further submitted that since the petitioner is a coolie worker, working in a Spinning Mill at Tiruppur, he did not appear before the trial Court on 30.05.2016. However, he has instructed his counsel to file a petition, under Section 317 of Cr.P.C. to condone his absence, but, his counsel failed to file application under Section 317 of Cr.P.C., and hence, the trial Court has issued Non Bailable Warrant. He further submitted that non appearance of the petitioner before the trial Court on



30.05.2016 was neither wilful nor wanton, but, due to the bonafide reason stated above.

3.The learned Government Advocate (Criminal Side) has submitted that since the petitioner has not appeared before the trial Court on 30.05.2016, NBW was issued and because of his non-appearance, the case in S.C.No.151 of 2011 is pending without any progress and hence, he strongly opposed this petition.

4.Considering the aforesaid submissions, the petitioner is directed to surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order and to file an application under Section 70(2) of Cr.P.C., to recall NBW. On such surrender and filing application to recall NBW, the trial Court is directed to consider the said application and dispose of the same, either to allow or dismiss on the same day, without any adjournment.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.Additional District and Sessions Judge,
(Mahila Court), Sivagangai.

2.The Inspector of Police
Manamadurai Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.S.Ravi, Advocate, SR.No. 55468

CRL.O.P. (MD) No.3069 of 2018
14.03.2018

Ls

AM/SKN_RSK/SAR 4/16.03.2018/2P/5C