



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAMCrl.O.P.(MD) No.3163 of 2018

Naveen Kumar

... Petitioner/Accused No.2

-Vs-

The State Represented by
The Inspector of Police,
E-3 Annanagar Police Station,
Madurai-625 020.
(Crime No.895 of 2014)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the learned 6th Additional District Judge, Madurai to recall the Non Bailable Warrant issued against the petitioner on 09.02.2018.

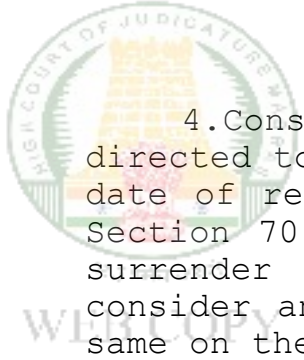
For Petitioner	:Mr.K.Malathi
For Respondent	:Mr.Prabu Ramachandran, Government Advocate(Crl.side)

O R D E R

This petition has been filed to direct the VI Additional District and Sessions Judge, Madurai, to consider the petition to be filed by the petitioner to recall the Non Bailable Warrant on the same day.

2.The learned counsel for the petitioner has submitted that the petitioner is the accused No.2 and he has regularly appeared before the Trial Court and only on one hearing i.e., 09.02.2018 he did not appear, due to the death of his close relative and consequently, the Non Bailable Warrant has been issued. She further submitted that the Trial Court may be directed to consider the petition and dispose of the same on the same day.

3.The learned Government Advocate (Crl.side) has submitted that on previous occasion i.e., 05.09.2017, the petitioner was not appeared and hence, the Non Bailable Warrant was issued and subsequently, it was recalled on his petition. He further submitted that again on 09.02.2018, the petitioner was not appeared and hence, the Non Bailable Warrant was issued and hence, he strongly opposed this petition.



4.Considering the aforesaid submissions, the petitioner is directed to surrender before the Trial Court, within a week from the date of receipt of a copy of this order and file a petition under Section 70(2) Cr.P.C to recall the Non Bailable Warrant. On such surrender and filing of the petition, the Trial Court has to consider and dispose of the same either allowing or dismissing the same on the same day, without any adjournments.

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

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
E-3 Annanagar Police Station,
Madurai-625 020.

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

+1CC TO M/S.K.MALATHI, ADVOCATE, SR NO.54339

Cr1.O.P.(MD) No.3163 of 2018
09.03.2018

rmk

MS/SKN-RSK/SAR-1/28.03.2018/2P.4C