



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Cr1.O.P.(MD)No.9768 of 2018

1.Chellamani, D/o.Dass Jothimani
2.Meena, W/o.Joseph

... Petitioners

-Vs-

State Rep. by
The Inspector of Police,
Tallakulam (L & O) Police Station,
Madurai City.
(Crime No.644 of 2002)

... Respondent

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure, seeking a direction to the learned I Additional District and Sessions Judge, Madurai, to accept the surrender of the petitioners and consider the Warrant Recall Petition filed to recall the NBWs, dated 27.03.2015 and 27.10.2015, in S.C.No.400 of 2017 on the same day on merits as per Section 70(2) Cr.P.C.

For Petitioners : Mr.M.Karuppiah
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Criminal side)

O R D E R

This Criminal Original Petition has been filed seeking a direction to the learned I Additional District and Sessions Judge, Madurai, to accept the surrender of the petitioners and consider the Warrant Recall Petition filed to recall the NBWs, dated 27.03.2015 and 27.10.2015, in S.C.No.400 of 2017 on the same day on merits as per Section 70(2) Cr.P.C.

2.The learned counsel for the petitioners submitted that the petitioners went to Gujarat to eke out their livelihood and due to absence of the petitioners, non-bailable warrants were issued against them on 27.03.2015 and 27.10.2015 and hence, a direction may be issued to the learned I Additional District and Sessions Judge, Madurai, to accept the surrender of the petitioners and consider the Warrant Recall Petition filed to recall the NBWs, dated 27.03.2015 and 27.10.2015, in S.C.No.400 of 2017 on the same day on merits as per Section 70(2) Cr.P.C.



3.This Court heard the submission of the learned Government Advocate (Criminal side) on the above said submission made by the learned counsel for the petitioners.

4.Considering the fact that non-bailable warrants were issued against the petitioners for their absence, there shall be a direction, directing the petitioners to surrender before the I Additional District and Sessions Court, Madurai, and to file a petition for recalling the warrant and the learned I Additional District and Sessions Judge, Madurai, is directed to consider the same on the same day and pass orders on merits and in accordance with law.

5.Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The I Additional District and Sessions Judge,
Madurai.
2. The Inspector of Police,
Tallakulam (L & O) Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.KARUPPIAH, ADVOCATE IN SR No. 68408

SMN2

TE/KKR/SAR-4 : 04/07/2018 : 2P/5C

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