

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 27.04.2018**

WEB COPY

CORAM:**THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN****Crl.O.P. (MD) .No.7113 of 2018**

K.Kanthesh Kumar

...Petitioner/Accused No.2
/Accused No.11

Vs.

State through
The Inspector of Police,
Bodi Taluk Police Station,
Theni District ... Respondent/Complainant /Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Judicial Magistrate, Bodinayakkanur, to consider and accept the re-call warrant petition to be filed in Non Bailable Warrant issued against the petitioner in P.R.C.No.43 of 2011 peneding on the file of the learned Judicial Magistrate, Bodinayakkanur and consider the same on the same day of filing of the said petition.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For Respondent : Mr.Prabu Ramachandran
Government Advocate(Crl.Side)**O R D E R**

This Criminal Original Petition has been filed by the petitioner to direct the learned Judicial Magistrate, Bodinayakkanur, to consider and accept the re-call warrant petition to be filed in Non Bailable Warrant issued against the petitioner in P.R.C.No.43 of 2011 peneding on the file of the learned Judicial Magistrate, Bodinayakkanur and consider the same day on the same of filing of the said petition.

2.The petitioner was absent during the trial in P.R.C.No.43 of 2011 before the learned Judicial Magistrate, Bodinayakkanur. Therefore, Non-Bailable Warrant came to be issued.

3.The learned counsel appearing for the petitioner undertakes that the petitioner shall appear before the Court below regularly



on all future hearing dates without fail.

4.If the petitioner fails to appear before the Court below for future hearings, he is entitled to file appropriate petition under Section 317 Cr.P.C. Even if on one hearing, he is absent and no application is filed for condoning his absence, this order granting anticipatory bail shall stand cancelled.

5.Recording the abovesaid undertaking given by the learned counsel appearing for the petitioner, the petitioner is permitted to appear before the trial Court on next hearing date and to file a recall warrant petition. The learned Judicial Magistrate, Bodinayakkanur is directed to recall the warrant on the same day.

6.Accordingly, the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Bodinayakkanur
Theni District.
2. The Inspector of Police,
Bodi Taluk Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.G.Karuppasamy Pandian , Advocate in SR No. 63804

msa/das
AE/KKR/SAR4/09.05.2018/2P/5C

Cr1.O.P(MD)No.7113 of 2018
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