



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.(MD).No.21896 of 2018

Namasivayam

...Petitioner/Accused No.4

Vs.

State represented by
The Inspector of Police
CBCID, Sivagangai District.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the learned Fast Track Mahila Court, Sivagangai to accept the surrender and consider the recall petition for the non bailable warrant issued on 03.11.2018 in Spl.S.C.No.19 of 2016 of the petitioner/Accused No.4 to be filed on the same day.

For Petitioner : Mr.V.Manikandan

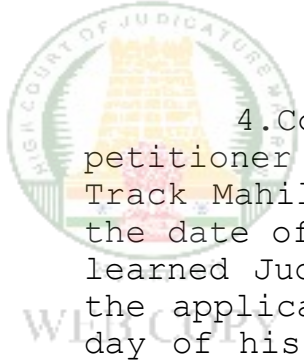
For Respondent : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the learned Judge, Fast Track Mahila Court, Sivagangai, to accept the surrender and consider the recall petition for the non bailable warrant issued on 03.11.2018 in Spl.S.C.No.19 of 2016 of the petitioner.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the official respondent.

3.The learned counsel for the petitioner would submit that on 03.11.2018, due to his illness (Lack of haemoglobin and Low Blood Pressure), the petitioner was unable to appear before the trial Court and hence, the petitioner filed a petition to recall on 08.11.2018, whereas, the learned Magistrate refused to accept the petition since the petitioner was not present on 03.11.2018. Thereafter, the case was posted on 15.11.2018 and again on 04.01.2019. He would further submit that the petitioner is prepared to surrender before the Court and also prepared to give an undertaking that he will appear before the Court on all future hearing dates.



4. Considering the facts and circumstances of the case, the petitioner is directed to surrender before the learned Judge, Fast Track Mahila Court, Sivagangai, within a period of two weeks from the date of receipt of a copy of this order. On such surrender, the learned Judge, Fast Track Mahila Court, Sivagangai, shall consider the application for recalling the Non-Bailable Warrant on the same day of his surrender, taking into consideration the antecedents of the petitioner.

5. With this observation, this Criminal Original Petition stands disposed of.

Sd/

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Judge,
Fast Track Mahila Court,
Sivagangai

2. The Inspector of Police
CBCID, Sivagangai District.

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

+1 cc to Mr.V.Manikandan, Advocate, SR.No.100048

Ls

SS/RSK/SAR 4/21.12.2018/2P/5C

CrI.O.P. (MD) .No.21896 of 2018
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