



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) No.12589 of 2018

Mayandi

... Petitioner / Accused No.4

Vs.

The State Represented by,
The Inspector of Police,
Koodalpudur Police Station,
Madurai City,
(Crime No.156 of 2013)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the the learned Judicial Magistrate No.IV, Madurai to recall the non-bailable warrant pending against the petitioner issued on 05.06.2018 in P.R.C.No.29 of 2015 by accepting the petition filed under Section 70(2) of Cr.P.C. on the date of surrender itself on merits.

For Petitioner	: Mr.S.Balaji
For Respondent	: Mr.M.Chandra Sekaran, Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed for a direction to the learned Judicial Magistrate No.IV, Madurai to recall the non-bailable warrant issued on 05.06.2018 in P.R.C.No.29 of 2015.

2.The learned counsel appearing for the petitioner would submit that he was not able to attend the Court on 05.06.2018, since he was bedridden and was advised by his Doctor not to leave his house. Therefore, it was submitted that the non-appearance before the Court was not willful or wanton.

3.Taking into consideration the facts of this case, the petitioner is directed to appear before the learned Judicial Magistrate No.IV, Madurai, on 27.08.2018 and file an appropriate application for recalling the non-bailable warrant pending against him in P.R.C.No.29 of 2015. The learned Judicial Magistrate No.IV, Madurai, shall consider the application and pass an order on the same date and issue appropriate conditions to ensure the presence of the petitioner in all future hearings.



4.This Criminal Original Petition is disposed of, with the above direction.

SD
ASSISTANT REGISTRAR (CS II)

TRUE COPY

WEB COPY

SUB ASSISTANT REGISTRAR (CS II)

Myr

To

1.The Judicial Magistrate No.IV, Madurai.

2.The Inspector of Police,
Koodalpudur Police Station,
Madurai City,

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

1CC TO MR. S. BALAJI, ADVOCATE SR 78569

DS SKN SAR 2

28 8 2018

2P 5C

Cr1.O.P. (MD) No.12589 of 2018

13.08.2018