

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 15.11.2018****CORAM**

WEB COPY

THE HONOURABLE MR.JUSTICE A.D. JAGADISH CHANDIRA
CRL OP(MD).No. 20390 of 2018

K. Rajarajan

... Petitioner/Sole Accused

Vs.

The Commissioner of Police,
East Zone,
Chennai City.

... Respondent/Complainant

PRAYER: This Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate-II, (Fast Track Court at Magistrate Level), Madurai to consider the recall warrant petition under Section 70(2) of Cr.P.C., on the same of his surrender and consider recalling the Non Bailable warrant issued against the petitioner by order dated 21.08.2018 in S.T.C. No.42 of 2017 on the file of the learned Judicial Magistrate-II, (Fast Track Court at Magistrate Level), Madurai.

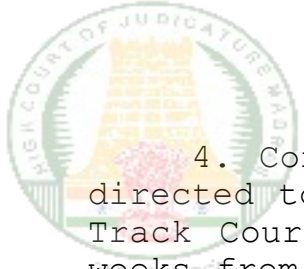
For Petitioner	: Mr.A.V. Rajasekaran
For Respondent	: Mr. R. Anandharaj, Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking, direction to the learned Judicial Magistrate-II, (Fast Track Court at Magistrate Level), Madurai to consider the recall warrant petition under Section 70(2) of Cr.P.C., on the same of his surrender and consider recalling the Non Bailable warrant issued against the petitioner by order dated 21.08.2018 in S.T.C. No.42 of 2017 on the file of the learned Judicial Magistrate-II, (Fast Track Court at Magistrate Level), Madurai.

2. The petitioner was absent in S.T.C.No.42 of 2017 on the file of the learned Judicial Magistrate.II, (Fast Track Court at Magistrate Level), Madurai. Though the petitioner has approached the trial Court in response to the bailable warrant issued against him, the trial Court failed to recall the bailable warrant. Due to which, the respondent police was trying to arrest the petitioner. Hence, the petitioner has filed this Criminal Original Petition under Section 482 of Cr.P.C., seeking a direction as stated above.

3. The learned counsel appearing for the petitioner undertakes that the petitioner will appear before the Court below regularly on all future hearing dates without fail.



4. Considering the undertaking given by the petitioner, he is directed to appear before the learned Judicial Magistrate.II, (Fast Track Court at Magistrate Level), Madurai, within a period of two weeks from the date of receipt of copy of this order and to file a petition to recall the bailable warrant issued against him. The Magistrate concerned is directed to consider the same on merits and pass orders on the same day.

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

Sd/-

Assistant Registrar(W)

//True Copy//

Sub Assistant Registrar(CS-II)

To

The Judicial Magistrate.II,
(Fast Track Court at Magistrate Level),
Madurai.

+1cc to Mr.A.V. Rajasekaran, Advocate Sr.No.95493

KSA

KM/SKN/SAR2/28.12.2018/2P/3C

CRL OP(MD) .No. 20390 of 2018

15.11.2018