

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3734 of 2019

1.Manoj Kumar Mittal @ M.K.Mittal
2.Mrs.Sapna Mittal

.. Petitioners

Vs

State by
Assistant Commissioner,
Cyber Crime Branch,
Chennai-600 008

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Magistrate to recall the warrant in the absence of the petitioners and thereafter to permit the petitioners to be represented by their counsel for the trial.

For Petitioners: Mr.S.Thiruvengadam

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct learned the Metropolitan Magistrate, Special Court for CCB & CBCID Cases, Egmore, Chennai, to consider the petition filed by the petitioners to recall the Non Bailable Warrant, which was issued on 14.11.2018 in C.C.No.1712 of 2008 on the same day of surrender.

2. The learned counsel appearing for the petitioners would submit that on 14.11.2018, due to severe illness, the petitioners were not able to appear before the Metropolitan Magistrate, Special Court for CCB & CBCID Cases, Egmore, Chennai, in respect of the case in C.C.No.1712 of 2008 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners shall appear before the Court below regularly on all future hearing dates without fail.

3. Considering the undertaking given by the learned counsel for the petitioners, the petitioners are directed to appear before the Metropolitan Magistrate, Special Court for CCB & CBCID Cases, Egmore, Chennai, on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against them. On filing of such petition, the concerned learned Magistrate is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

4. With the above direction, this Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sbn/rpl

To

1. The Metropolitan Magistrate,
Special Court for CCB & CBCID Cases,
Egmore, Chennai
2. Assistant Commissioner,
Cyber Crime Branch,
Chennai-600 008
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No. 12503 (26/02/2019)

Cr1.O.P.No.3734 of 2019

SJ(CO)

SP(12/02/2019)

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