

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3317 of 2019

Dhandapani

.. Petitioner

Vs

Amutha

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Additional Mahila (Metropolitan Magistrate) Court, Egmore to entertain the petition filed under Section 70(2) of Cr.P.C and cancel the non bailable warrant which was issued on 02.01.2019 in D.V.A.No.178 of 2017 on the file of Additional Mahila (Metropolitan Magistrate) Court, Egmore.

For Petitioner : Mr.A.Arasu Ganesan

O R D E R

This Criminal Original petition has been filed to direct the Additional Mahila (Metropolitan Magistrate) Court, Egmore to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 02.01.2019 in D.V.A.No.178 of 2017 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 02.01.2019, due to illness, the petitioner was not able to appear before the Additional Mahila (Metropolitan Magistrate) Court, Egmore in respect of the case in D.V.A.No.178 of 2017 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner 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 petitioner, the petitioner is directed to appear before the Additional Mahila (Metropolitan Magistrate) Court, Egmore on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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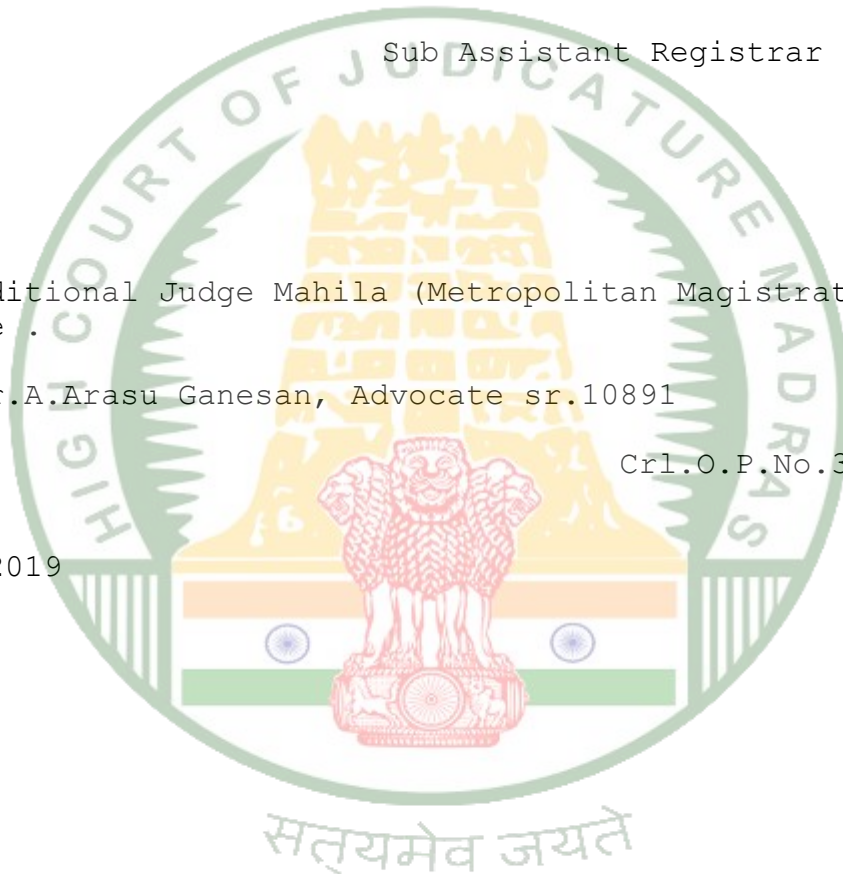
To

1. The Additional Judge Mahila (Metropolitan Magistrate) Court,
Egmore .

+lcc to Mr.A.Arasu Ganesan, Advocate sr.10891

Cr1.O.P.No.3317 of 2019

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