

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.02.2019

CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3485 of 2019

A.Sathyaraj @ Sathya

.. Petitioner/Accused

Vs

State rep by:

Inspector of Police,

*** Selaiyur Police Station,**

Kancheepuram District.

(Crime No.1484 of 2011)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Additional District Judge, Chengalpet, to consider the petition to recall the Non Bailable Warrant issued in S.C.No.279 of 2013 dated 31.08.2017 pending on the file of the Additional District Judge at Chengalpet.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct the learned Additional District Judge, Chengalpet, to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 31.08.2017 in S.C.No.279 of 2013 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 31.08.2017, due to illness, the petitioner was not able to appear before the learned Additional District Judge, Chengalpet in respect of the case in S.C.No.279 of 2013 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 learned Additional District Judge, Chengalpet 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 Judge 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

Dated: 12.02.2019

***Amended as per order**

in Cr1.Mp.No. 2770/19

in Cr1.OP.3485/19 dated 20/02/2019

Sd/- Assistant Registrar

Dated: 22.02.2019

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

1. The Additional District Judge,
Chengalpet.

**Substituted the order
Already despatched on
13/02/2019**

2. The Inspector of Police,
*** Selaiyur Police Station,**
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Ramu, Advocate, S.R.No.3242, **3649** (19/02/2019)

SJ(CO)

Cr1.O.P.No.3485 of 2019

rrs 12/02/2019

GN(22/02/2019)