

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.3672 of 2019

T.Ramesh

.. Petitioner

Vs

State rep. by
The Inspector of Police,
CCB XXIII Team,
Chennai.
Crime No.672 of 2007

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Metropolitan Magistrate Court for Exclusive Trial of CCB Cases at Egmore, Chennai to accept the surrender of the petitioner and consider his petition filed u/s 70(2) of Cr.P.C. To recall the Non-Bailable Warrant issued on 08.11.2018 in C.C.No.1917 of 2017.

For Petitioner : Mr.Xavier Felix

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

O R D E R

This Criminal Original petition has been filed to direct the Metropolitan Magistrate Court for Exclusive Trial of CCB Cases, Egmore, Chennai to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 08.11.2018 in C.C.No.1917 of 2017 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 08.11.2018, due to transfer of the case from the XI Metropolitan Magistrate, Saidapet to the file of the Metropolitan Magistrate Court for Exclusive Trial of CCB Cases, Egmore, Chennai, the petitioner was not able to appear before the said Court in respect of the case in C.C.No.1917 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 Metropolitan Magistrate Court for Exclusive Trial of CCB 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 him. On filing of such petition, the concerned learned Metropolitan 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

//True Copy//

Sub Assistant Registrar

sbn/rpl

To

1. The Metropolitan Magistrate Court
for Exclusive Trial of CCB Cases, Egmore, Chennai
2. The Inspector of Police,
CCB XXIII Team,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Xavier Felix, Advocate, S.R.No. 12167

Cr1.O.P.No.3672 of 2019

GN(11/03/2019)