

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.02.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.3602 of 2019

1.Muthu @ Muthusamy
2.K.Suresh

.. Petitioners

Vs

State represented by
Inspector of Police,
Dhali Police Station,
Udumalpet,
Tiruppur District.
(Crime No.58 of 2017)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Sub Judge, Udumalpet, to consider the petition to recall the Non Bailable Warrant issued in S.C.No.141 of 2017 dated 30.01.2019 pending on the file of the Sub Judge at Udumalpet.

For Petitioner : M/s.D.R.Arun Kumar
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 Sub Judge, Udumalpet, to consider the petition filed by the petitioners to recall the Non Bailable Warrant, which was issued on 30.01.2019 in S.C.No.141 of 2017 on the same day of surrender.

2. The learned counsel appearing for the petitioners would submit that on 30.01.2019, due to illness, the petitioners were not able to appear before the learned Sub Judge, Udumalpet in respect of the case in S.C.No.141 of 2017 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 learned Sub Judge, Udumalpet 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 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 (CS)

//True Copy//

Sub Assistant Registrar

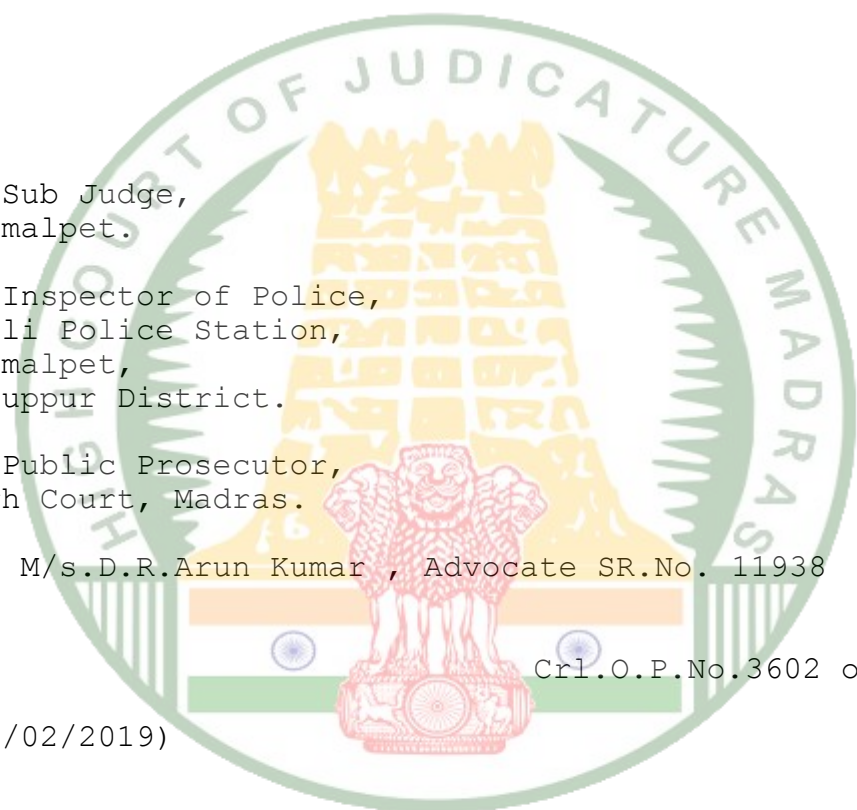
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To

1. The Sub Judge,
Udumalpet.
 2. The Inspector of Police,
Dhali Police Station,
Udumalpet,
Tiruppur District.
 3. The Public Prosecutor,
High Court, Madras.
- +1cc to M/s.D.R.Arun Kumar , Advocate SR.No. 11938

Crl.O.P.No.3602 of 2019

A.SK(12/02/2019)



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