

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3731 of 2019

D.Sunil Kumar

.. Petitioner/Accused No.5

Vs

1.State rep. by
The Inspector of Police,
Land Grabbing Cell,
Kancheepuram District.
Cr.No.06/2012

... 1st Respondents/Complainant

2.Karthikeyan

... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue direction, to recall the warrant issued by Judicial Magistrate II and to file Recall Warrant Petition in C.C.No.5 of 2019 on the file of the Judicial Magistrate II at Chengleput.

For Petitioner : Mr.P.R.Balasubramanian

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

O R D E R

This Criminal Original petition has been filed to direct the Judicial Magistrate No. II, Chengleput to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 06.02.2019 in C.C.No.05 of 2019 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 06.02.2019, the petitioner has already filed Crl.O.P.No.3226 of 2019 before this Court on 05.02.2016 and filed a petition before the learned Judicial Magistrate No.II, which was posted for next hearing on 02.04.2019, for the above said reasons the petitioner was not able to appear before the Judicial Magistrate Court No.II, Chengleput in respect of the case in C.C.No.05 of 2019 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 Judicial Magistrate Court No.II, Chengleput, 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 Judicial Magistrate No.II 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(CCC)

//True Copy//

Sub Assistant Registrar

sbn/rpl
To

1. Judicial Magistrate Court No.II,
Chengleput.

2.The Inspector of Police,
Land Grabbing Cell,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.R.Balasubramanian, Advocate, S.R.No.12083

Cr1.O.P.No.3731of 2019

SJ(CO)
GSP(12/02/2019)