

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 5712 of 2019

Sivakumar

.. Petitioner

Vs

State rep by its

The Inspector of Police,
Kolathur Police Station,
Salem District.

Crime No.271 of 2014

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate No.1, Mettur, Salem District to recall the Non Bailable Warrant issued as against the petitioner in connection with the case in PRC.No.9 of 2016 on the file of the Judicial Magistrate No.1, Mettur, Salem District.

For Petitioner : Mr.M.Senthilkumar

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

ORDER

This Criminal Original petition has been filed to direct the Judicial Magistrate No.1, Mettur, Salem District to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 10.12.2018 in PRC.No.9 of 2016 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 10.12.2018, due to illness, the petitioner was not able to appear before the Judicial Magistrate No.1, Mettur, Salem District in respect of the case in PRC.No.9 of 2016 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 No.1, Mettur, Salem District 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/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

ssr/kas

To

1. The Judicial Magistrate No.1,
Mettur, Salem District.
2. The Inspector of Police,
Kolathur Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Senthil Kumar, Advocate, S.R.No. 19800

Cr1.O.P.No. 5712 of 2019

RK(CO)
GN(01/04/2019)

WEB COPY