

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4840 of 2019

V.A.Manimudimaran

.. Petitioner

Vs

1.The State rep by

The Inspector of Police,
S-5, Pallavaram Police Station,
Pallavaram,
Chennai - 600 043.

2.R.Neelavathi

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Magistrate to recall NBW against the petitioner in C.C.No.77 of 2009 dated 29.09.2016 on the file of the learned Judicial Magistrate at Tambaram.

For Petitioner : Mr.R.Sagadevan

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed seeking for a direction to the learned Judicial Magistrate, Tambaram, to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 29.09.2016 in C.C.No.77 of 2009 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 29.09.2016, due to bad health condition of the petitioner's father, the petitioner was not able to appear before the Judicial Magistrate, Tamabram in respect of the case in C.C.No.77 of 2009 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, Tambaram 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.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

lpp/vsn

To

1. The Inspector of Police,
S-5, Pallavaram Police Station,
Pallavaram,
Chennai - 600 043.
 2. The Judicial Magistrate,
Tambaram.
 3. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.R.Sagadevan, Advocate sr 18824.

Cr1.O.P.No.4840 of 2019

RK(CO)
SP(19/03/2019)

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