

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.03.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5964 of 2019

D.Ramdas

.. Petitioner

Vs

The State rep. by Sub-Inspector of Police
Central Crime Branch, Egmore
Chennai
(Crime No.395 of 2009) ... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Special Metropolitan Magistrate Judge for Central Crime Branch and CBCID Cases, Allikulam, Chennai to accept the surrender of the petitioner/Accused2 and to recall the Non-Bailable Warrant issued against the petitioner/Accused-2 in C.C.No.9594 of 2017 on the file of the Hon'ble Special Metropolitan Magistrate Judge for Central Crime Branch and CBCID Cases, Allikulam, Chennai on the same day.

For Petitioner : Mr.S.Nagarajan

For Respondent : Mr.C.Raghavan
Govt. Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed to direct the learned Special Metropolitan Magistrate Judge for Central Crime Branch and CBCID Cases, Allikulam, Chennai to accept the surrender of the petitioner/Accused2 and to recall the Non-Bailable Warrant issued against the petitioner/Accused-2 in C.C.No.9594 of 2017 on the file of the Hon'ble Special Metropolitan Magistrate Judge for Central Crime Branch and CBCID Cases, Allikulam, Chennai on the same day.

2. The learned counsel appearing for the petitioner would submit that on 05.02.2019, the petitioner was not able to appear before the trial court for hearing and accordingly, his counsel filed a relevant application to dispense with his presence on the date of hearing, but the learned Magistrate dismissed the 317 petition filed by the petitioner counsel and issued non-bailable warrant 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 learned Special Metropolitan Magistrate Judge for Central Crime Branch and CBCID Cases, Allikulam, 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 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(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Special Metropolitan Magistrate Judge
for Central Crime Branch
and CBCID Cases
Allikulam, Chennai

2.The Sub-Inspector of Police
Central Crime Branch, Egmore
Chennai
(Crime No.395 of 2009)

3.The Public Prosecutor
High Court, Madras

+1cc to Mr. S.Nagarajan , Advocate SR.No. 21348

A.SK(30/04/2019) Cr1.O.P.No.5964 of 2019