

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

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THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5967 of 2019

B.Raja

.. Petitioner

Vs

The State rep. by Sub-Inspector of Police
Central Crime Branch, Egmore
Chennai
(Crime No.13 of 1997)

... 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/Accused-3 and to recall the Non-Bailable Warrant issued against the petitioner/Accused-3 in C.C.No.2688 of 2018 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)

ORDER

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/Accused-3 and to recall the Non-Bailable Warrant issued against the petitioner/Accused-3 in C.C.No.2688 of 2018 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 29.01.2019, 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.13 of 1997)

3. The Public Prosecutor
High Court, Madras

+1cc to Mr.S.Nagarajan , Advocate SR.No.21350

Cr1.O.P.No.5967 of 2019

A.SK(30/04/2019)