

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7359 of 2019

1. Mrs.Dhanalakshmi
2. Mrs.Chenchilakshmi
3. Mrs.Anuradha
4. Mrs.Selvi @ Tamil Selvi
5. Mr.T.Perumal
6. Mr.Parthasarathy
7. Mr.Srinivasan
8. Mrs.Jayanthi

... Petitioners/Accused

Vs

State Rep by
The Sub Inspector of Police,
Central Crime Branch,
Team XVIII
Land Forgery,
Greens Road, Thousand Lights,
Chennai - 600 006.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Metropolitan Magistrate for Special Court CCB & CBCID Cases at Egmore, Chennai to recall the Non-Bailable Warrant issued against the petitioners in C.C.No.146 of 2007 on their surrender.

For Petitioners : Mr.M.Anandaraj

For Respondent : Mr.C.Raghavan

Government Advocate (Crl. Side)

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O R D E R

This Criminal Original petition has been filed to direct the learned Metropolitan Magistrate for Special Court CCB & CBCID Cases at Egmore, Chennai to recall the Non-Bailable Warrant issued against the petitioners in C.C.No.146 of 2007 on their surrender.

2. The learned counsel appearing for the petitioners would submit that on 02.08.2016 the petitioners were instructed their

counsel to file dispense with application for their absence. However, their counsel has not filed any application and thereafter no communication from about the hearing date and transfer the case to one Court to another. Due to the said reasons, the petitioners was not able to appear before the Metropolitan Magistrate for Special Court CCB & CBCID Cases at Egmore, Chennai in respect of the case in C.C.No.146 of 2007 and hence, non bailable warrant has been issued against these petitioners. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners 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 petitioners, the petitioners are directed to appear before the Metropolitan Magistrate for Special Court CCB & CBCID Cases at Egmore, Chennai on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against them. 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.
dh

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Metropolitan Magistrate
Special Court CCB & CBCID Cases
Egmore, Chennai.

2. The Sub Inspector of Police,
Central Crime Branch,
Team XVIII
Land Forgery,
Greams Road, Thousand Lights,
Chennai - 600 006.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Anandaraj, Advocate, SR.No.26178

Cr1.O.P.No.7359 of 2019

Kak (27/04/2019)



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