

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8301 of 2019

Kathirvel

...Petitioner

-Vs-

State represented by
The Inspector of Police,
J-3, Guindy Traffic Investigation,
Chennai.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to direct the Metropolitan Magistrate No.IV, Saidapet, Chennai to recall the Non Bailable Warrant issued on date 11.08.2018 in C.C.No.5178 of 2011 on the file of IV Metropolitan Magistrate Saidapet, Chennai.

For Petitioner : Mr.G.Murugendran

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

ORDER

This Criminal Original petition has been filed seeking for a direction to direct the Metropolitan Magistrate No.IV, Saidapet, Chennai to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 11.08.2018 in C.C.No.5178 of 2011 and post the case on 11.04.2019.

2. The learned counsel appearing for the petitioner would submit that the case was came up on 11.08.2018 instead of 08.08.2018, due to the reason the petitioner could not appear before the Metropolitan Magistrate No.IV, Saidapet, Chennai in respect of the case in C.C.No.5178 of 2011 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 Metropolitan Magistrate No.IV, Saidapet, 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 the Metropolitan Magistrate No.IV, Saidapet, Chennai 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.

mpa/vsn

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Metropolitan Magistrate No.IV,
Saidapet, Chennai.
- 2.-Do- Thro; The Metropolitan Magistrate,
Chennai.
- 3.The Inspector of Police,
J-3, Guindy Traffic Investigation,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Murugendran, Advocate, SR.No.29496

Cr1.O.P.No.8301 of 2019

Kak(15/05/2019)



सत्यमेव जयते

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