

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**Crl.O.P.No.8945 of 2019

Arokiaraj

.. Petitioner

Vs

Inspector of Police,
Nagapattinam Police Station,
Nagapattinam District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Chief Judicial Magistrate, Nagapattinam to recall the NBW issued on 02.01.2018 in Crl.M.P.No.63 of 2017 in M.C.No.12 of 2014 pending on the file of the Chief Judicial Magistrate, Nagapattinam.

For Petitioner	: Mr.Nandhagopal D.
For Respdent	: Mr.C.Raghavan
	Government Advocate (Crl.side)

ORDER

This Criminal Original petition has been filed to direct the learned Chief Judicial Magistrate, Nagapattinam, to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 02.01.2018 in Crl.M.P.No.63 of 2017 in M.C.No.12 of 2014 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 02.01.2018, due to illness of his daughter, the petitioner was not able to appear before the learned Chief Judicial Magistrate, Nagapattinam, in respect

of the case in M.C.No.12 of 2014 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence of the petitioner 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 Chief Judicial Magistrate, Nagapattinam, on the next hearing date 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.

सत्यमेव जयते

03.04.2019

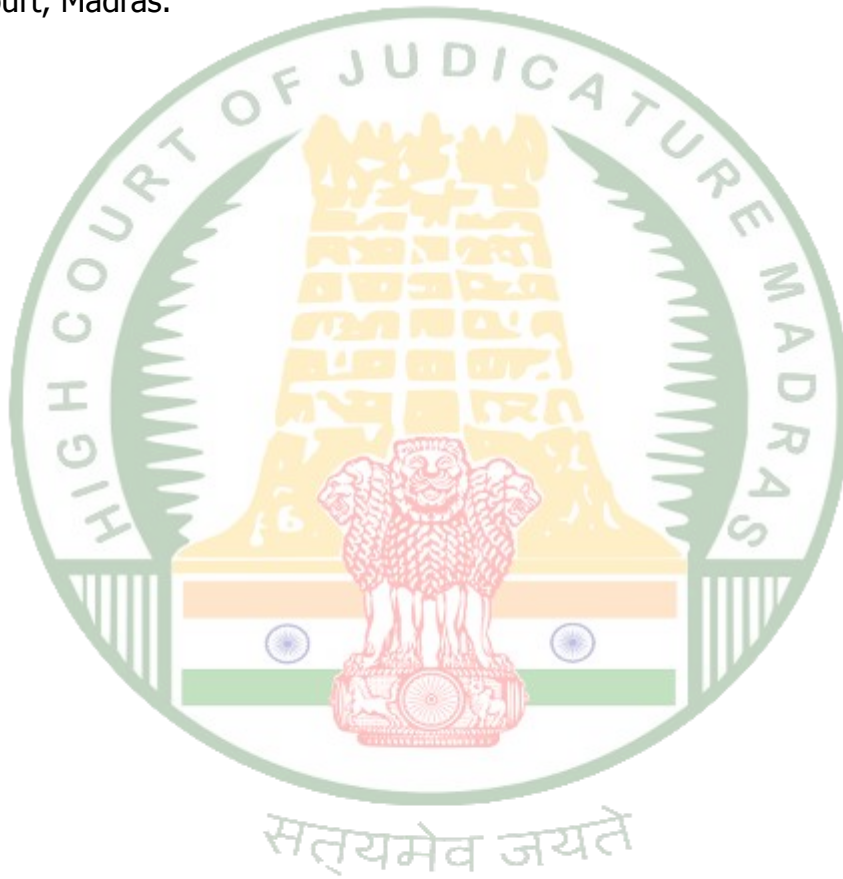
Internet: Yes.

rm

WEB COPY

To

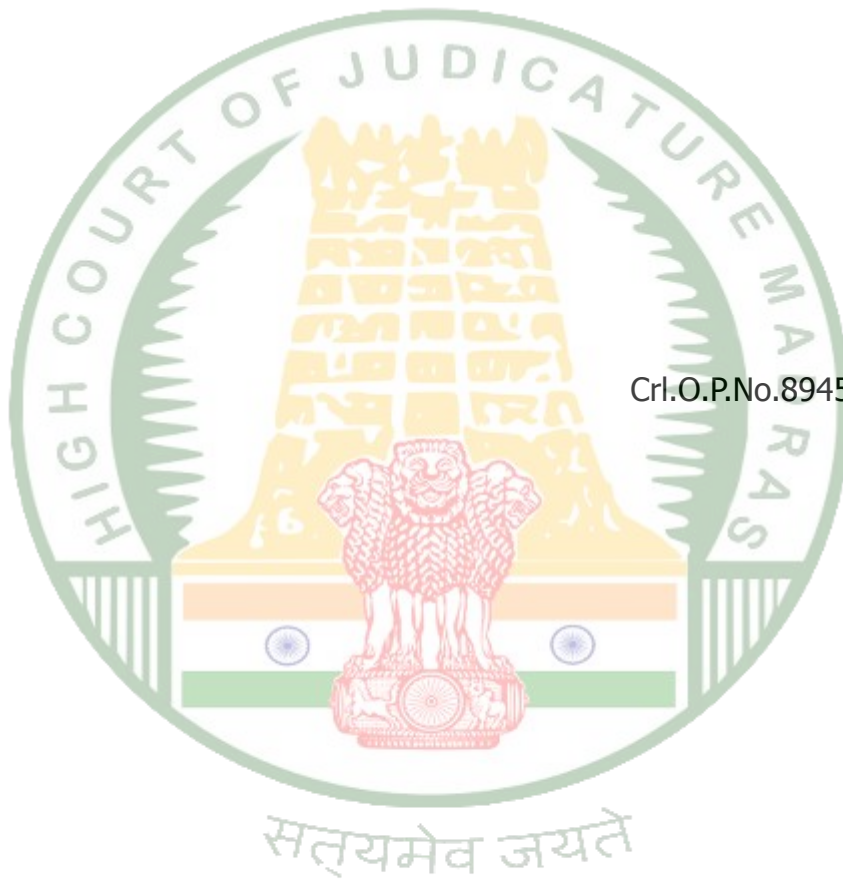
1. The Chief Judicial Magistrate,
Nagapattinam.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY

G.K.ILANTHIRAIYAN, J.

rm



Crl.O.P.No.8945 of 2019

WEB COPY

03.04.2019