

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8005 of 2019

Y.Rukmani Devi

... Petitioner

Vs

State rep by

The Sub-Inspector of Police,  
Central Crime Branch, Team-9(A),  
Egmore, Chennai-8  
Crime No.302 of 2011

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Metropolitan Magistrate Special Judge for CCB & CBCID to recall the non bailable warrant issued against the petitioner/accused No.3 on 18.05.2017 in C.C.No.1922 of 2017.

For Petitioner : M/s.R.Radha Pandian

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

O R D E R

This Criminal Original petition has been filed seeking for a direction to direct the learned Metropolitan Magistrate Special Judge for CCB & CBCID to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 18.05.2017 in C.C.No.1922 of 2017 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 18.05.2017, due to illness, the petitioner was not able to appear, before the Metropolitan Magistrate Special Judge for CCB & CBCID in respect of the case in C.C.No.1922 of 2017 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 Special Judge for CCB & CBCID 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 Metropolitan Magistrate Special Judge for CCB & CBCID 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 V)

//True Copy//

Sub Assistant Registrar

To

1. The Metropolitan Magistrate Special Judge for CCB & CBCID.
- 2.The Sub-Inspector of Police,  
Central Crime Branch, Team-9(A),  
Egmore, Chennai-8
- 3.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.R.Radhapandiyar, Advocate Sr.28385

Cr1.O.P.No.8005 of 2019

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srg 29/04/2019

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