

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9680 of 2019

Arunpandiyan

... Petitioner

Vs

The State rep by its
The Station House Officer,
PE Wing, Kallakurichi Police Station,
Kallakurichi District.
Crime No.348 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the Judicial Magistrate No.II, Kallakurichi, Kallakurichi District to recall the NBW issued as against the petitioner in connection with the case in PRC>No.6 of 2019 on the file of the Judicial Magistrate No.II, Kallakurichi, Kallakurichi District.

For Petitioner : M.Senthilkumar

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 Judicial Magistrate No.II, Kallakurichi, Kallakurichi District to recall the NBW issued as against the petitioner in connection with the case in PRC>No.6 of 2019 on the file of the Judicial Magistrate No.II, Kallakurichi, Kallakurichi District.

2. The learned counsel appearing for the petitioner would submit that the case was came up on 08.03.2019, due to the illness the petitioner could not appear before the Judicial Magistrate No.II, Kallakurichi, Kallakurichi District. in respect of the case in P.R.C. No.6 of 2019 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 Judicial Magistrate No.II, Kallakurichi, Kallakurichi District 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 Judicial Magistrate No.II, Kallakurichi, Kallakurichi District 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 (CO)

//True Copy//

Sub Assistant Registrar

mpa/vsn

To

1. Judicial Magistrate II,
Kallkurichi.
2. do Thro The Chief Judicial Magistrate,
Villupuram
3. The Station House Officer,
PE Wing, Kallakurichi Police Station,
Kallakurichi District.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr. M.Senthil Kumar, Advocate, S.R.No. 36146

CRL.O.P.No.9680 of 2019

SKV(CO)
GN(08/05/2019)