

Crl.MP.No.4874 of 2019

in

Crl. A.No.805 of 2009

A.D.JAGADISH CHANDIRA, J.

This petition has been filed to recall the Non-Bailable Warrant, issued against the petitioner/4th respondent, on 19.03.2019, in the above appeal.

2.Mr.P.M.Duraisamy, the learned counsel appearing for the Petitioner/4th respondent would submit that due to miscommunication between his earlier counsel and the petitioner, the petitioner was not aware of the dates of hearing and thereby, the earlier counsel had withdrawn his appearance and hence, the petitioner was not represented before this Court, due to which the Non-Bailable Warrant was issued against him. He would submit that failure of the Petitioner/4th respondent to appear before this Court is neither wilful nor wanton and he seek to recall the Non Bailable Warrant.

3. The learned counsel for the 1st respondent/Appellant has no objection, in allowing this petition.

4. At this juncture, Mr.P.M.Duraisamy, learned counsel for the Petitioner/4th respondent would reiterate and submit that the petitioner/4th respondent will duly comply with any orders to be passed by this Court and he would also submit that he is prepared to get along with the hearing, without any further delay.

A.D.JAGADISH CHANDIRA, J.

ssi

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, the Non-Bailable Warrant issued against the petitioner/4th respondent on 19.03.2019 is recalled, on condition that the petitioner/4th respondent shall surrender before the Trial Court (learned Judicial Magistrate Court No.II, Coimbatore) on or before 10.04.2019 and execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned.

6. Post the matter on 11.04.2019. The petitioner/4th respondent shall appear before this Court on 11.04.2019.

7. With the above directions, this Criminal Miscellaneous petition is ordered.

8. Post the Criminal Appeal No.805 of 2009 on 11.04.2019.

04.04.2019

ssi

Note: Issue Order Copy on 05.04.2019

Crl.MP.No.4874 of 2019

in

Crl. A.No.805 of 2009