

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9609 of 2019

V.Arjun Raj

.. Petitioner

Vs

The State Rep. by its
The Inspector of Police,
D-6, Anna Square,
Traffic Investigation Wing,
Chindradripet,
Chennai-600 002.

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to give a direction to the VI Metropolitan Magistrate, Egmore, Chennai to consider the petition to recall the Non-bailable warrant (N.B.W) on the very same day on surrender of the petitioner in respect of the non-bailable warrant(N.B.W.) issued in the above calendar case in C.C.No.1859 of 2017 pending on the file of VI Metropolitan Magistrate at Egmore, Chennai.

For Petitioner : Mr.L.Gavaskar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct the VI Metropolitan Magistrate, Egmore, Chennai to consider the petition filed by the petitioner to recall the Non Bailable Warrant in C.C.No.1859 of 2017 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 04.09.2018, due to illness, the petitioner was not able to appear before the VI Metropolitan Magistrate, Egmore, Chennai in respect of the case in C.C.No.1859 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 VI Metropolitan Magistrate, Egmore, 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 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.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
D-6, Anna Square,
Traffic Investigation Wing,
Chindradripet,
Chennai-600 002.
 2. The Metropolitan Magistrate No.VI ,
Egmore, Chennai
 3. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.L.Gavaskar, Advocate sr 34853.

Cr1.O.P.No.9609 of 2019

JP (CO)
SP (24/04/2019)

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