

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9605 of 2019

A.M.Arun

.. Petitioner/Accused

Vs

The State Rep. by

The Assistant commissioner of Income Tax,
121,M.G.Road, Nungambakkam,
Chennai-600 034.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Additional Chief Metropolitan Magistrate Economic Offences-II, Egmore, at Allikulam, Chennai to recall non-bailable warrant pending against petitioner in E.O.C. No.502 of 2017 on the file of the learned Additional Chief Metropolitan Magistrate Economic Offences-II, Egmore, at Allikulam, Chennai-8 on the petition being filed under Section 70(2) of Cr.P.C.

For Petitioner : Mr.K.Pradeep Raj

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

O R D E R

This Criminal Original petition has been filed to direct the learned Additional Chief Metropolitan Magistrate Economic Offences-II, Egmore, at Allikulam, Chennai to consider the petition filed by the petitioner to recall the Non Bailable Warrant in E.O.C.C.No.502 of 2017 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that he is not aware about the pendency of this case and he has not received any summons from the concerned Court. Hence, the petitioner was not able to appear before the learned Additional Chief Metropolitan Magistrate Economic Offences-II, Egmore, at Allikulam, Chennai in respect of the case in E.O.C.C.No.502 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 learned Additional Chief Metropolitan Magistrate Economic Offences-II, Egmore, at Allikulam, 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-I)

True Copy

Sub-Assistant Registrar

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To

1. The Additional Chief Metropolitan Magistrate Economic Offences II, Egmore at Allikulam, Chennai.
 - 2.The Assistant commissioner of Income Tax, 121,M.G.Road, Nungambakkam, Chennai-600 034.
 - 3.The Public Prosecutor, High Court, Madras.
- +1 CC to Mr.K.Pradeep Raj, Advocate sr 34663.

सत्यमेव जयते

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SP(11/04/2019)