

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.11417 of 2019

P.Ranjankumar

... Petitioner

Versus

1. State rep. by
The Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai - 6.

2. Kulasekaran

... Respondents

Prayer:-

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate, Gudiyatham to consider the recall petition in C.C.No.303 of 2015 without insisting upon the presence of the petitioner before the trial Court.

For Petitioner : Mr.S.Swamidoss Manokaran

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

O R D E R

This Criminal Original petition has been filed to direct the learned Judicial Magistrate, Gudiyatham to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 10.03.2017 in C.C.No.303 of 2015 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 10.03.2017, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate, Gudiyatham in respect of the case in C.C.No.303 of 2015 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 Judicial Magistrate, Gudiyatham on the next hearing and 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.

Sd/-
Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate,
Gudiyatham.
2. The Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai - 6.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.S.Swamidoss Manokaran, Advocate, S.R.No.41017

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GJII (CO)
CS/24/05/2019

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