

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.11859 of 2019

Manivannan

.. Petitioner/Accused

Vs

The Inspector of Police,
Tiruthani Police Station,
Thiruvallur District,
S.T.C.No.109 of 2017

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Fast Track Court (Judicial Magistrate Level) Ponnammallee to accept the surrender of the petitioner and consider his petition to recall the NBW on the same day in S.T.C.NO.109 of 2017 pending on the file of the Fast Track Court, (Judicial Magistrate Level) Poonammallee.

For Petitioner : Mr.R.Vetrivel

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

O R D E R

This Criminal Original petition has been filed seeking for a direction to the Fast Track Court (Judicial Magistrate Level) Ponnammallee to accept the surrender of the petitioner and consider his petition to recall the NBW on the same day in S.T.C.No.109 of 2017 pending on the file of the Fast Track Court (Judicial Magistrate Level) Poonammallee, which was issued on 14.04.2019.

- 2.The learned counsel appearing for the petitioner would submit that the petitioner could not appear before the Fast Track Court (Judicial Magistrate Level) Ponnammallee, for the enquiry based on the complaint given by defacto complainant, in respect of the case in S.T.C.No.109 of 2017 and hence, a 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 the Fast Track Court (Judicial Magistrate Level) Ponnammallee 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 Fast Track Court (Judicial Magistrate Level) Ponnammallee 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

True Copy

Sub-Assistant Registrar

mpa

To

1. The Judge

Fast Track Court (Judicial Magistrate Level) Ponnammallee.

2. The Inspector of Police,
Tiruthani Police Station,
Thiruvallur District

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. R. Vetrivel, Advocate sr 42629.

Cr1.O.P.No.11859 of 2019

सत्यमेव जयते

MR (CO)

SP (31/05/2019)

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