

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CrI.O.P.No.24456 of 2019

1. D.Ellammal
2. R.Devaraj
3. D.Kalamani
4. D.Ramani

...Petitioners/Accused

Vs

State Rep. by
Inspector of Police,
Hashtampatty Police Station,
Salem.

...Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Principal District Judge, Salem to accept the surrender of the petitioners and consider the petitioner to recall the NBW in SPL. S.C.No.11 of 2018 on the file of the learned Principal District Judge, Salem on the same day of surrender.

For Petitioners: Mr.R.Sunil Kumar

For Respondent : Mr.C.Iyyapparaj, APP

O R D E R

The 'A Dairy' extract, which is produced before this Court, reveals that when the case was called on 14.02.2019 before the learned Principal District Judge, Salem, the summon was not served and the service was pending. Likewise, on the next hearing on 26.03.2019, the summon was not returned and service was pending. When the matter was adjourned to 07.06.2019, the 'A Dairy' extract evidences that the service was pending. However, the Court below had recorded that the accused A1 to A4 were absent and issued the Non-Bailable Warrant.

2. When the summon itself has not been served on the accused, there is no justification on the part of the learned Principal District Judge to have issued the warrant. Hence, the Non-Bailable Warrant issued on 07.06.2019, is recalled herewith.

The petitioners herein/Accused 1 to 4 shall appear before the learned Principal District Judge, Salem in connection with SPL. S.C.No.11 of 2018 on the next date of hearing i.e., 19.09.2019, without fail.

3. The Criminal Original Petition stands ordered accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Principal District Judge,
Salem.
2. Inspector of Police,
Hashtampatty Police Station,
Salem.
3. The Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Sunilkumar, Sr.78072

सत्यमेव जयते

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