



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.32225 of 2019

G.Sylu @ Sylendran

..Petitioner

-Vs-

The State, rep by its  
Inspector of Police,  
D-4, Otteri Police Station,  
Kancheepuram District.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to recall the fresh Non Bailable Warrant issued on 30.09.2019 against the petitioner in P.R.C.No.27 of 2015 on the file of the Hon'ble Judicial Magistrate No.II at Chengalpattu in Crime No.229 of 2015 on the file of the Inspector of Police, D-4, Otteri Police Station, Kancheepuram District.

|                |                              |
|----------------|------------------------------|
| For Petitioner | : Mr.C.Arun                  |
| For respondent | : Mr.M.Mohamed Riyaz         |
|                | Additional Public Prosecutor |

ORDER

This Criminal Original Petition has been filed to recall the Non-Bailable Warrant issued on 30.09.2019 against the petitioner in P.R.C.No.27 of 2015 on the file of the learned Judicial Magistrate No.II at Chengalpattu in Crime No.229 of 2015 on the file of the Inspector of Police, D-4, Otteri Police Station, Kancheepuram District.

2.The learned counsel for the petitioner has submitted that since the petitioner could not appear before the Judicial Magistrate No.II, Chengalpattu in PRC.No.27 of 2015, non bailable warrant was issued on 30.09.2019. He further submitted that since the petitioner was suffering from Viral Hepatitis Fever, the petitioner could not appear before the learned Judicial Magistrate. Therefore, he prayed to re-call the non-bailable warrant issued against the petitioner.



3. Per Contra, the learned Additional Public Prosecutor has submitted that on 09.05.2018 itself, the petitioner did not appear before the learned Judicial Magistrate and hence non-bailable warrant was issued and therefore he strongly opposed this petition.

4. Considering the aforesaid facts, the petitioner is directed to surrender before the learned Judicial Magistrate No.II at Chengalpattu within a period of two weeks from today and file a petition Under Section 70 (2) of Cr.P.C. If any such petition is filed, the learned Judicial Magistrate is directed to dispose of the said petition on the same day either allowing the same or dismissing on the same day without any adjournment.

5. With the aforesaid direction, this petition is disposed of.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,  
Chengalpattu.
2. The Inspector of Police,  
D-4, Otteri Police Station,  
Kancheepuram District.
3. The Public Prosecutor,  
High Court, Madras

+1 cc to M/s.G.Arun,Advocate Sr.No. 10032

AKM/04.12.19/2P-5C /

Cr1.O.P.No.32225 of 2019