

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.06.2019****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Crl.O.P.(MD)No.8457 of 2019**

Esakkimuthu

... Petitioner

Vs.

The State rep., by
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.246 of 2014)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C, to recall the Non Bailable Warrant dated 25.02.2019 issued in S.C.No.145 of 2017 on the file of the I Additional District Judge, Thoothukudi.

For Petitioner

: Mr.M.Ramesh

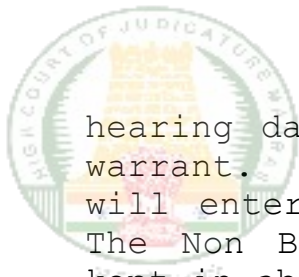
For Respondent

: Mr.K.Suyambulinga Bharathi
Govt. Advocate (Crl. Side)**O R D E R**

The petitioner is figuring as A2 in S.C.No.145 of 2017 on the file of the I Additional District and Sessions Judge, Thoothukudi. Non Bailable Warrant came to be issued against him on 25.02.2019. Seeking its recall, this Criminal Original Petition has been filed.

2.The learned counsel for the petitioner states that the petitioner was regular in appearing before the Court below on all earlier occasions. He gives a specific undertaking that henceforth he shall appear in person without fail on all future hearing date till the date of judgment. In the extraordinary event of the petitioner being unable to appear, the petitioner will take steps to have himself represented. In other words, on account of the petitioner's absence, the trial will not get delayed.

3.The undertaking given by the petitioner through his counsel is placed on record. If this undertaking is breached, the order now passed will stand recalled automatically and the petitioner will have to take to custody. In view of the undertaking given by the petitioner, this Court permits the petitioner to appear before the learned trial Judge on the next



hearing date, which is on 17.07.2019 and apply for recall of the warrant. On such application being filed, the learned trial Judge will entertain the same and recall the warrant on the same day. The Non Bailable Warrant issued against the petitioner will be kept in abeyance till then.

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4. With the above observations, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

rmk

To:

1. The Additional District Judge No.I,
Thoothukudi.
2. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

+ 1 CC TO Mr.M.Ramesh, ADVOCATE IN SR No.69803

Cr1.O.P. (MD) No.8457 of 2019

19.06.2019

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