



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2019

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

**CRL.O.P. (MD) .No.11012 of 2019**

1.S.Christopher  
2.Robert Rajkumar : Petitioners

Vs.

1.The Inspector of Police,  
Srivilliputhur Police Station,  
Srivilliputhur, Virudhunagar District.

2.S.Kaalaiselvan : Respondents

**PRAYER:** Petition is filed under Section 482 of the Criminal Procedure Code to recall the Non Bailable Warrant issued against the petitioners / Accused Nos.2 to 4 in S.T.C.No.141 of 2011, on 12.07.2019.

For Petitioners : Mr.N.Sathish Babu  
For R-1 : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl. side)  
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**ORDER**

This Criminal Original Petition has been filed to recall the Non Bailable Warrant issued against the petitioners / Accused Nos.2 and 4 in S.T.C.No.141 of 2011.

2.The grievance of the petitioners is that the petitioners are the accused in a private complaint filed by the second respondent under Section 138 of the Negotiable Instrument Act. When the matter was posted for hearing on 12.07.2019, the petitioners could not appear before the trial Court. Hence, Non Bailable Warrants are issued against the petitioners herein. Now to recall the Non Bailable Warrants, the present petition has been filed.

3.Admittedly, Non Bailable Warrants are issued against the petitioners and if at all the petitioners want to recall the warrants, they must appear before the concerned Magistrate and file necessary application seeking for recall and the petitioners cannot maintain the petition before this Court under Section 482 of the Code of Criminal Procedure. Hence, the prayer sought for by the petitioners cannot be granted. The Criminal Original Petition stands dismissed accordingly.



4. However, it is open to the petitioners to approach the concerned Judicial Magistrate and file necessary application for recalling the warrants. If any such petition is filed by the petitioners, the learned Judicial Magistrate is directed to consider the same and pass suitable orders on merits and in accordance with law on the same day.

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate (STC), Srivilliputtur.

2. The Inspector of Police,  
Srivilliputhur Police Station,  
Srivilliputhur, Virudhunagar District.

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1CC to M/s.N.SATHISH BABU, Advocate ( SR-80140[F]dated 07/08/2019 )

Order made in  
**CRL.O.P. (MD) .No.11012 of 2019**

Dated:  
**05.08.2019**

AM/13.08.2019/2P/5C