

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATE: 13.08.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**Cr1.O.P. (MD).No.11335 of 2019**

Ottapallu Balu @ Balasubramanian

... Petitioner

-Vs-

State represented by
the Inspector of Police,
C.S.C.I.D.,
Virudhunagar,
(Crime No.359 of 2012)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., seeking a direction to the learned Judicial Magistrate No.I, Virudhunagar to consider the petitioner's application to recall Non-Bailable Warrant dated 11.07.2018 in C.C.No.112 of 2014 on the same day of his surrender.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

O R D E R

This criminal original petition has been filed seeking a direction to the learned Judicial Magistrate No.I, Virudhunagar to recall the Non-bailable Warrant issued against the petitioner in C.C.No.112 of 2014, on the same day of his surrender.

2. According to the petitioner, he is arrayed as accused No.3 in the above said case and earlier, a non-bailable warrant said to have been issued against the petitioner in the year 2015 and no summon has been issued against the petitioner. He did not aware the pendency of the criminal case, so he did not appear before the trial Court. In the said circumstances, now the trial Court initiated proceedings against the sureties. Hence, he filed the present criminal original petition.

3. The learned Government Advocate (Crl.side) on instructions would submit that, a summon was already served on the petitioner, earlier he had also filed a petition under Section 317 of Cr.P.C., before the trial Court. Now, out of 3 accused, 2 accused were secured, because of the absence of the petitioner, the trial is pending for more than 5 years.

4. Considering the fact that the non-bailable warrant is pending for more than four years, this Court is not inclined to



recall the warrant. However, it is always open to the petitioner to approach the trial Court and file necessary application to recall the warrant and if any such application is filed, the trial Court is directed to consider the same and pass orders on merits and in accordance with law, on the same day.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

akv

To

1. The Inspector of Police,
C.S.C.I.D.,
Virudhunagar.
2. The Judicial Magistrate No.I,
Virudhunagar.

+1CC TO MR.T.LENIN KUMAR, Advocate Sr. No.81606

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13.08.2019

KM(CO)

TR (27.08.2019) 2P 4C