



BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 03.09.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.12148 of 2019

1.S.T.Murugan

2.R.Kalyani

... Petitioners

Vs

The Inspector of Police,
Alli Nagaram Police Station,
Theni District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Chief Judicial Magistrate, Theni to recall the Non Bailable Warrant issued on 26.06.2019 in C.C.No.533 of 2013 by this Court.

For Petitioners : Mr.A.Haja Mohideen

For Respondents : Mr.K.Suyambulinga Bharathi,
G.A. (Crl. Side)

O R D E R

This petition has been filed by the petitioner to direct the Chief Judicial Magistrate, Theni to recall the Non Bailable Warrant issued on 26.06.2019 in C.C.No.533 of 2013 by this Court.

2.The learned counsel appearing for the petitioner would submit that on 26.06.2019, due to unavoidable circumstances, the petitioners were not able to appear before the Chief Judicial Magistrate, Theni in respect of the case in C.C.No.533 of 2013 and hence, non bailable warrant have been issued against the petitioners. He would further submit that the said absence is neither willful nor wanton and they undertake that the petitioners shall appear before the Court below regularly on all future hearing dates without fail.

3. Considering the undertaking given by the learned counsel for the petitioners, the petitioners are directed to appear before the Chief Judicial Magistrate, Theni on the next hearing and to file a

petition under Section 70(2) of Cr.P.C., to recall NBW already issued against them. On filing of such petition, the concerned learned Judge is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Alli Nagaram Police Station,
Theni District.

2.The Chief Judicial Magistrate, Theni.

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

+1 CC to M/s.A. HAJA MOHIDEEN, Advocate (SR-84902[F] dated
03/09/2019)

Order made in
CRL.O.P (MD) No.12148 of 2019
03.09.2019

Arul

JMN(06.09.2019) 2P : 5C