



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.12040 of 2019

and

Crl.M.P. (MD)No.7566 of 2019

Balamurugan

: Petitioner

Vs.

The State rep by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.278 of 2012)

: Respondent

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the learned Sub Court, Valliyoor, Tirunelveli District to recall the non bailable warrant issued against the petitioner on 01.03.2018 in S.C.No.492 of 2015.

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

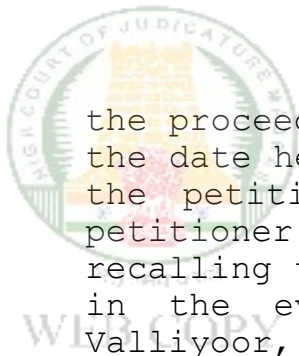
ORDER

This petition has been filed to direct the Sub Court, Valliyoor, Tirunelveli District to recall the warrant pending against the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The learned counsel for the petitioner submitted that the petitioner apprehends arrest on the ground of issuance of Non-Bailable Warrant. The learned counsel for the petitioner submitted that as the petitioner is working in a contract job, he was not able to appear before the trial Court on the date hearing and as such Non-Bailable Warrant was issued against the petitioner herein. To recall the same, the present petition has been filed.

4. Considering the facts and circumstances of the case and considering the fact that as the petitioner had no knowledge about



the proceedings, he was not able to appear before the trial Court on the date hearing and as such Non-Bailable Warrant was issued against the petitioner herein, this Court is constrained to direct the petitioner to file a petition under Section 70(2) of Cr.P.C. for recalling the Non-Bailable Warrant before the learned Magistrate and in the event of filing such an application, the Sub Court, Valliyoor, Tirunelveli District, is directed to consider the same and pass orders on merits on the same day and in accordance with law.

4. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The subordinate Judge, Valliyoor,
Tirunelveli District.
- 2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Selvakumar,Advocate, SR.No.14167

Order made in
CRL.O.P.(MD).No.12040 of 2019
Dated: 28.08.2019

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JMN(20.09.2019) 2P : 5C