



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.(MD) No.11880 of 2019

1.Jeno Cristopher  
2.Abdul Azees

... Petitioners/Accused 1 & 2

Versus

State represented by  
the Inspector of Police,  
Thisaiyanvilai Police Station,  
Tirunelveli District.  
(Crime No.236 of 2015)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the learned Subordinate Judge, Tirunelveli to consider the recall warrant petition filed under Section 70(2) of Cr.P.C., to recall the Non-Bailable Warrant in S.C.No.239 of 2016 issued against the petitioners on 01.08.2019 on the same day of presentation.

For Petitioners : Mr.S.Sundarapandian

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 Subordinate Judge, Tirunelveli to consider the petitioner's application filed under Section 70(2) of Cr.P.C., to recall the Non Bailable Warrant issued against the petitioners, on 01.08.2019.

2. The grievance of the petitioners is that a Non-Bailable Warrant is pending against the petitioners and to recall the same, an application under Section 317 of Cr.P.C., has been filed by the petitioners. But the same has not been considered. Hence, the present criminal original petition has been filed.

3. On perusal of the order passed by the learned Subordinate Judge, Tirunelveli, it is seen that earlier, warrant is pending against the petitioners and that was also recalled with the condition that the petitioners shall appear before the Court regularly. Once again, the petitioners did not appear before the



Court. Hence, again non-bailable warrant has been issued against the petitioners.

4. Considering the above facts and circumstances of the case, the petitioners are directed to approach the concerned Judicial Magistrate and file an application under Section 70(2) of Cr.P.C., to recall the Non Bailable Warrant and on receipt of the same, the learned Judicial Magistrate is directed to consider the petitioners' application on the same day, in accordance with law.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

akv

To

1.The Subordinate Judge,  
Tirunelveli.

2.The Judicial Magistrate, Nanguneri.

3.The Chief Judicial Magistrate, Tirunelveli.

4. The Inspector of Police,  
Thisaiyanvilai Police Station,  
Tirunelveli District.

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

+1 CC to M/s.S.SUNDARAPANDIAN, Advocate (SR-83442[F] dt.27/08/2019)

Order made in  
Crl.O.P.(MD) No.11880 of 2019  
Dated: 26.08.2019

JMN(26.09.2019) 2P : 7C