



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.09.2019**

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P (MD) No. 4128 of 2018

WEB COPY

Gopalakrishnan

... Petitioner/Sole accused

Vs

The State by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai, to consider the Recall Warrant Petition filed under Section 70(2) of Cr.P.C and dispose it on the same day of its filing against the Non-Bailable Warrant issued in S.T.C. No. 389 of 2015 on the file of the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai.

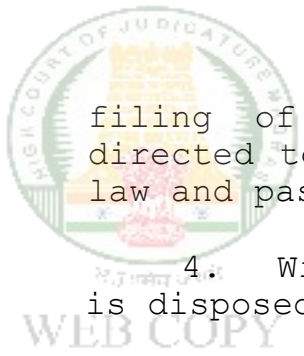
For Petitioner	: Mr.M. Sridharan
For Respondent	: Mr.K. Suyambulinga Bharathi Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed to direct the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 31.01.2018 in S.T.C. No. 389 of 2015 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 31.01.2018, due to illness, the petitioner was not able to appear before the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai in respect of the case in S.T.C. No. 389 of 2015 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner 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 petitioner, the petitioner is directed to appear before the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On



filing of such petition, the concerned learned Magistrate 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 (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Additional District Munsif cum Judicial Magistrate,
Manamadurai.
 2. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to Mr.M.SRIDHARAN, Advocate SR-87753.

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