



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.08.2019

CORAM

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

CRL.O.P. (MD) .No.11989 of 2019

WEB COPY

Sheik Mohammed

: Petitioner

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Manaparari,
Trichy District.
(Crime NO.5 of 2009)

: Respondent

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the Judicial Magistrate, Manaparai to consider the petitioner's application for re-calling of warrant on the same date in C.C.No.297 of 2011 on the file of the learned Judicial Magistrate, Manaparai.

For Petitioner

: Mr.J.Anandkumar

For Respondent

: Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the learned Judicial Magistrate 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 petitioner is the first accused in C.C.No.297 of 2011. The case was registered based on the complaint given by the petitioner's wife for the offence under Sections 498(A), 406 IPC and Section 4 of Dowry Prohibition Act. Earlier the petitioner went to abroad and he is not aware of the criminal case pending against him. Subsequently, he came to India and came to know that a Non Bailable Warrant is pending against him. Hence, the petitioner apprehending that he will be arrested and remanded to judicial custody has filed the present petition to recall the said warrant.

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 learned Judicial Magistrate, Manaparai, is directed to consider the same liberally 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.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The learned Judicial Magistrate, Manaparai.
2. The Inspector of Police,
All Women Police Station,
Manaparari,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.J. ANAND KUMAR, Advocate (SR-83854[F] dated 28/08/2019)

Order made in
CRL.O.P. (MD) .No.11989 of 2019
Dated:28.08.2019

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MK (17.09.2019) 2P 5C