



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

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

Crl.O.P (MD) No.12824 of 2019

A.Arockiaraj

.. Petitioner/ Sole Accused

Vs

The Inspector of Police
Kalaiyarkovil Police Station
Sivagangai District

... Respondent/ Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Learned Judicial Magistrate No.1 (Fast Track Court at Magisterial Level), Madurai to recall the non-bailable warrant issued against the petitioner in S.T.C. No.343/2018 on the date of surrender before the trial court

For Petitioner	: Mr.N.Padmaboopathi
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 Judicial Magistrate No.1 (Fast Track Court at Magisterial Level), Madurai to recall the non-bailable warrant issued against the petitioner in S.T.C. No.343/2018 on the date of surrender before the trial court.

2. The learned counsel appearing for the petitioner would submit that since the petitioner was hospitalized he not able to appear before the learned Judicial Magistrate No.I (Fast Track Mahila Court at Magisterial Level) Madurai in respect of the case in S.T.C.No.343 of 2018 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 Judicial Magistrate No.I (Fast Track Mahila Court at Magisterial Level) Madurai 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-III)

// True Copy //

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I
(Fast Track Mahila Court at Magisterial Level) Madurai.
2. The Inspector of Police
Kalaiyarkovil Police Station
Sivagangai District
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-87101[F] dated 17/09/2019

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