



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2019

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

Crl.O.P (MD) No.13497 of 2019

M.Jeyaraj

.. Petitioner

Vs

The Inspector of Police  
Koodalnagar Police Station  
Madurai City

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Learned Fast Track Court No.1 (Magisterial Level) Madurai to consider the recall warrant petition filed under section 70(2) of Cr.P.C. to recall the non bailable warrant in S.T.C. No.144 of 2012 issued against the petitioner on 22.09.2017 on the same day of presentation.

For Petitioner : Mr.S.Balaji

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 Fast Track Court No.1 (Magisterial Level) Madurai to consider the recall warrant petition filed under section 70(2) of Cr.P.C. to recall the non bailable warrant in S.T.C. No.144 of 2012 issued against the petitioner on 22.09.2017 on the same day of presentation

2. The learned counsel appearing for the petitioner would submit that since the petitioner was suffering from throat cancer he is not able to appear before the Fast Track Court No.1 (Magisterial Level) Madurai in respect of the case in S.T.C.No.144 of 2012 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 Fast Track Court No.1 (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.

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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 Judicial Magistrate No.I,  
Fast Track Court (Magisterial Level), Madurai.

2. The Inspector of Police  
Koodalnagar Police Station  
Madurai City

3. The Additional Public Prosecutor  
Madurai Bench of Madras High Court.

+1 CC to M/s.S.BALAJI, Advocate SR-90060.

+1 CC to M/s.S.R. ANBARASU, Advocate SR-90315.

**CrI.O.P (MD) No.13497 of 2019**  
**26.09.2019**

CS (14.10.2019) 2P 6C