



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2019

CORAM

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

Crl.O.P (MD) No.13397 of 2019

WEB COPY

Kandasamy @ Karuppiyah

.. Petitioner/Accused

Vs

The Inspector of Police
Virudhunagar West Police Station
Virudhunagar,
Virudhunagar District.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Learned Judicial Magistrate No.1, Virudhunagar to accept the surrender of the petitioner and recall the non bailable warrant issued as against him on 18.07.2016 in S.T.C.No.242 of 2011 on the file of said Court on the same day on merits as per Section 70(2) of Code of Criminal Procedure.

For Petitioner : Mr.R.Sundar

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, Virudhunagar to accept the surrender of the petitioner and recall the non bailable warrant issued as against him on 18.07.2016 in S.T.C.No.242 of 2011.

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.1, Virudhunagar in respect of the case in S.T.C.No.242 of 2011 and hence, non bailable warrant has been issued against the petitioner on 18.07.2016. 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.1, Virudhunagar 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.

WEB COPY

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

vsg

To

1.The learned Judicial Magistrate No.1,
Virudhunagar.

2.The Inspector of Police
Virudhunagar West Police Station
Virudhunagar,
Virudhunagar District.

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

+1 CC to M/s.R.SUNDAR, Advocate (SR-89445[F] dated 26/09/2019)

Crl.O.P (MD) No.13397 of 2019
25.09.2019

_KK/SAR/17.10.2019/2P-5C/