



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2019

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THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**CrI.O.P (MD) No.13907 of 2019

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.. Petitioner

Vs

The State Rep. by  
The Inspector of Police  
Kaliyakavilai Police Station  
Kanyakumari District.  
Crime No.520/08

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to recall the Non Bailable Warrant issued to petitioner on his surrender in STC No.368 of 2009 on the file of the learned Judicial Magistrate No.I, Kuzhithurai in Crime No.520 of 2008 on the file of the Respondent Police.

For Petitioner : Mr.S.C.Herold Singh

For Respondent :Mr.K.Suyambulinga Bharathi  
Government Advocate(CrI.Side)**O R D E R**

This Criminal Original petition has been filed to direct the learned Judicial Magistrate No.I, Kuzhithurai to recall the non-bailable warrant issued against the petitioner in S.T.C. No.368 of 2009 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, Kuzhithurai Madurai in respect of the case in S.T.C.No.368 of 2009 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, Kuzhithurai 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.

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Sd/-

Assistant Registrar(P&A))

// True Copy //

Sub Assistant Registrar(CS )

To

1. The Judicial Magistrate No.I, Kuzhithurai
2. The Inspector of Police  
Kaliyakavilai Police Station  
Kanyakumari District
3. The Additional Public Prosecutor  
Madurai Bench of Madras High Court.

+1 CC to Mr.S.C. HEROLD SINGH, Advocate (SR-90606[F] dated 01/10/2019)

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