



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

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

Crl.O.P.(MD) No.14378 of 2019

Ganesan

...Petitioner/Accused No.1

Vs.

The Inspector of Police
Melavalavu Police Station
Madurai District
Crime No.179 of 2004

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st Additional Sessions Court, Madurai to recall the warrant pending against the petitioner in SC No.399 of 2017 in Cr.No.179 of 2004, dated 05.10.2017 on the file of the respondent police.

For Petitioner : Mr.K.S.SelvaGanesh

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

ORDER

This petition has been filed seeking direction to direct the 1st Additional Sessions Court, Madurai to recall the warrant pending against the petitioner in SC No.399 of 2017 in Cr.No.179 of 2004, dated 05.10.2017 on the file of the respondent police

2. The learned counsel appearing for the petitioner would submit that since the petitioner went to Kerala, he was not able to appear before the 1st Additional Sessions Court, Madurai in respect of the case in S.C.No.399 of 2017 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 1st Additional Sessions Court, 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 Sessions Judge 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 (C.O)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The 1st Additional Sessions Judge, Madurai
2. The Inspector of Police
Melavalavu Police Station
Madurai District
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court.

+1 CC to Mr.K.S.SELVA GANESAN, Advocate SR-91770.

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CS(16.10.2019) 2P 5C