



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM:

WEB COPY

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

Crl.O.P.(MD)No.15614 of 2019

M.Mohamed Ali

... Petitioner/Accused

Vs.

The State rep.by
The Sub-Inspector of Police,
Karur Police Station,
Avudaiyarkoil Taluk,
Pudukkottai District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Pattukkottai, to accept the surrender of the petitioned and recall the NBW, dated 18.09.2019 in S.T.C.No.19 of 2018 on the same day on merits as per Section 70(2) Cr.P.C.

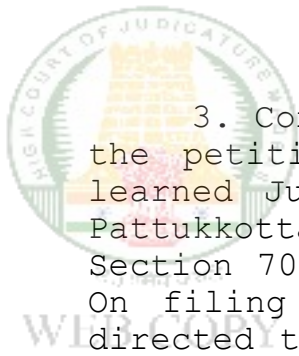
For Petitioner : Mr.H.Muhamed Imran,
for M/s.Ajmal Associates

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

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Pattukkottai, to accept the surrender of the petitioned and recall the NBW, dated 18.09.2019 in S.T.C.No.19 of 2018 on the same day on merits as per Section 70(2) Cr.P.C.

2. The learned counsel appearing for the petitioner would submit that on 04.06.2019, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Pattukkottai, in respect of the case in S.T.C.No. 19 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, Fast Track Court (Magistrate Level), Pattukkottai, 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-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Judicial Magistrate, Fast Track Court
(Magistrate Level), Pattukkottai.

2. The Sub-Inspector of Police,
Karur Police Station,
Avudaiyarkoil Taluk,
Pudukkottai District.

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

+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-95295[F] dated
31/10/2019)

Crl.O.P. (MD) No.15614 of 2019
30.10.2019

JMN(15.11.2019) 2P : 5C