



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM:

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

Crl.O.P. (MD)No.15663 of 2019

Kaleeswaran

... Petitioner/Accused No.2
Vs.

1.The State rep.by

The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.

2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.317 of 2015.

... Respondents 1 & 2/Complainant

3.Lingaraj

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Additional District Munsif cum Judicial Magistrate, Manamadurai to accept the surrender and consider the recall petition to be filed by the petitioner regarding to issue a non bailable warrant on 07.03.2019 in P.R.C.No. 68 of 2015 consider on the same day.

For Petitioner : Mr.PR.Boomee Rajan

For R1 and R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This Criminal Original petition has been filed to direct the learned Additional District Munsif cum Judicial Magistrate, Manamadurai to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 07.03.2019 in P.R.C.No. 68 of 2015 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 07.03.2019, due to illness, the petitioner was not able to appear before the learned Additional District Munsif cum Judicial Magistrate, Manamadurai in respect of the case in P.R.C.No. 68 of 2015 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 Additional District Munsif cum Judicial Magistrate, Manamadurai 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(CO)

// True Copy //

Sub Assistant Registrar(CS)

das
To

1. The Additional District Munsif cum Judicial Magistrate,
Manamadurai.
2. The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
3. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.P.R. BOOMEE RAJAN, Advocate Sr. No. 95028

Cr1.O.P. (MD)No.15663 of 2019
30.10.2019

NS (CO)
TR(07.11.2019) 2P 6C