



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2019

CORAM

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

WEB COPY

CrI.O.P (MD) No.16547 of 2019
and
CrI.M.P (MD) No.9823 of 2019

Abasali

.. Petitioner/Accused No.9

Vs

The State Rep. by
The Inspector of Police
Lalapet Police Station
Karur District

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the dismissal of wannat recall petition under Section 70(2) and set aside the order passed in Cr.M.P.No.4158 of 2019 dated 14.10.2019 on the file of the learned Judicial Magistrate No.I, Kulithalai in PRC No.2 of 2014 and direct the learned Judicial Magistrate No.I, Kulithalai

For Petitioner : Mr.A.K.Alagarsamy

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(CrI.Side)**ORDER**

This Criminal Original petition has been filed to to call for the records relating to the dismissal of wannat recall petition under Section 70(2) and set aside the order passed in Cr.M.P.No.4158 of 2019 dated 14.10.2019 on the file of the learned Judicial Magistrate No.I, Kulithalai in PRC No.2 of 2014

2. The learned counsel appearing for the petitioner would submit that since the petitioner's wife was suffering from illness he could not able to appear before the learned Judicial Magistrate No.I, Kulithalai in respect of the case in PRC No. 2 of 2014 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, Kulithalai 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. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

aav

To

1. The Judicial Magistrate No.I, Kulithalai
2. The Inspector of Police
Lalapet Police Station
Karur District
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.A.K.AZAGARSAMI, Advocate Sr. No. 97833

Crl.O.P (MD) No.16547 of 2019

13.11.2019

NA(CO)

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