



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.11.2019
CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

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Crl.O.P (MD) No.16548 of 2019
and
Crl.M.P (MD) No.9824 of 2019

Asha @ Shakila

... Petitioner

Vs

The State Rep. by
The Inspector of Police
Lalapet Police Station
Karur District
(Crime No.229/2013)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the dismissal of warrant recall petition under Section 70(2) and set aside the order passed in Cr.M.P.No.4160 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(Crl.Side)

O R D E R

This Criminal Original petition has been filed to to call for the records relating to the dismissal of warrant recall petition under Section 70(2) and set aside the order passed in Cr.M.P.No.4160 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 was suffering from illness she 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.

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4. With the above direction, this Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

// 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

+1 CC to Mr.A.K.AZAGARSAMI, Advocate (SR-97834[F] dated 13/11/2019)

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