



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No. 16666 of 2019

K. Nagasubbu

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.
(Crime No. 124 of 2013)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judicial Magistrate, Paramakudi to recall the Non Bailable Warrant, dated 17.05.2019 issued in C.C. No. 116 of 2017, on the file of the learned Judicial Magistrate, Paramakudi on the same day of filing petition under Section 70(2) of Cr.P.C.

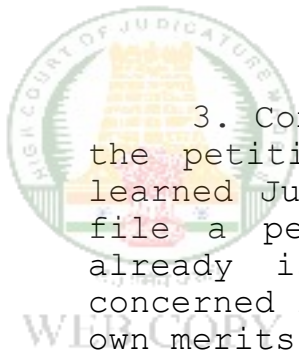
For Petitioner : Mr.C. Senthil Murugan

For Respondent : Mr.K.Suyambulinga Bharathi,
G.A. (Crl. Side)

O R D E R

This petition is filed to direct the learned Judicial Magistrate, Paramakudi to recall the Non Bailable Warrant, dated 17.05.2019 issued in C.C. No. 116 of 2017, on the file of the learned Judicial Magistrate, Paramakudi on the same day of filing petition under Section 70(2) of Cr.P.C.

2. The learned counsel appearing for the petitioner would submit that on 17.05.2019, due to the petitioner has been migrated to Kerala for his livelihood, the petitioner was not able to appear before the learned Judicial Magistrate, Paramakudi, in respect of the case in C.C. No. 116 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 learned Judicial Magistrate, Paramakudi 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

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate, Paramakudi.
2. The Chief Judicial Magistrate, Ramanathapuram District.
3. The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-98602[F] dated 15/11/2019)

Order made in
CRL.O.P (MD) No.16666 of 2019
15.11.2019

JMN(09.12.2019) 2P : 6C