



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

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

Crl.O.P.(MD)No.17387 of 2019

Chandrakantan

.. Petitioner/Accused

Vs

1.The Inspector of Police,
Mar thandam Police Station,
Kanyakumari District.

...Respondent

2.Suresh Kumar

... 2nd Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to the learned Judicial Magistrate No.I, Kuzhithurai, to dispose the petition filed under Section 70(2) of Cr.P.C on the same day to recall the non bailable warrant issued against the petitioner/accused in S.T.C.No.706 of 2017 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

For Petitioner : Mr.S.Sivakumar

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition is filed to direct the learned Judicial Magistrate No.I, Kuzhithurai, to recall the Non Bailable Warrant, dated 11.10.2017 issued in S.T.C.No.706 of 2017, on the file of the learned learned Judicial Magistrate No.I, Kuzhithurai, 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 the petitioner is working as a coolie in various places, due to that the petitioner was not able to appear before the learned Judicial Magistrate No.I, Kuzhithurai, in respect of the case in S.T.C. No. 706 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 No.I, Kuzhithurai, 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 No.I, Kuzhithurai.
2. The Chief Judicial Magistrate, Nagercoil at Kanyakumari
3. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. SIVAKUMAR, Advocate (SR-101398[F] dated
26/11/2019)

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