



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.17970 of 2019

T.Sathyamoorthy

... Petitioner/Accused

Vs

1.State rep. by

The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
Crime No.307 of 2012

... Respondent

2.C.Kumar

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the District Munsif cum Judicial Magistrate, Thiruppathur to consider the petitioner's application for recall the warrant to be filed by him in connection with C.C.No.138 of 2012 order dated 30.07.2019 on the file of the District Munsif cum Judicial Magistrate, Thirupathur on the same day on merits.

For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.K.Suyambulinga Bharathi,
G.A.(Crl. Side) for R1

ORDER

This petition has been filed to direct the District Munsif cum Judicial Magistrate, Thiruppathur to consider the petitioner's application for recall the warrant to be filed by him in connection with C.C.No.138 of 2012 order dated 30.07.2019 on the file of the District Munsif cum Judicial Magistrate, Thirupathur on the same day on merits.

2. The learned counsel appearing for the petitioner would submit that on 22.05.2017, due to illness, the petitioner was crippled to appear before the Court 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
<https://hcservices.ecourts.gov.in/hcservices/>

District Munsif cum Judicial Magistrate, Thirupatthur 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 Judicial Magistrate is directed to consider the same on his 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)

Arul

To

1. The District Munsif cum Judicial Magistrate, Thirupatthur
2. The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C.M. ARUMUGAM, Advocate (SR-102758[F] dated 29/11/2019)

Order made in
CRL.O.P (MD) No.17970 of 2019
29.11.2019

VB(12.12.2019) 2P 5C