



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

Cr1.O.P. (MD) No.18994 of 2019

Raja : Petitioner/A1

Vs.

The State rep  
The Inspector of Police,  
Paramakudi Town Police Station  
Ramanathapuram District  
(Crime No.253 of 1999)

: Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate, Paramakudi to consider the recall petition to be filed by the petitioner for recalling the Non Bailable Warrant issued as against the petitioner in connection with PRC No.2 of 2007 on the file of the learned Judicial Magistrate, Paramakudi on the very same date of the filing of above recall petition.

For Petitioner : Mr.M.S. Jeyakarthik

For Respondent : Mr.S.Chandrasekar

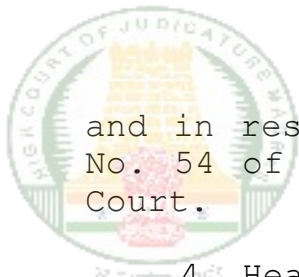
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Paramakudi to consider the recall petition to be filed by the petitioner for recalling the Non Bailable Warrant issued as against the petitioner in connection with PRC No.2 of 2007 on the very same date of the filing of above recall petition

2.The learned counsel appearing for the petitioner would submit that due to avocation the petitioner was at Tirupur and thereby he could not appear before the committal Court. Hence Non Bailable Warrant came to be issued against the petitioner on 03.07.2017. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the committal court regularly on all future hearing dates without fail and also before the Sessions Court on all hearing dates without fail.

3. The learned Additional Public Prosecutor would submit that PRC is of the year 2007. Since the petitioner did not appear before the committal Court Non Bailable Warrant was issued on 03.07.2017



and in respect of other accused the case has been split up in SC No. 54 of 2017 and all the accused were acquitted by the Sessions Court.

4. Heard both sides and perused the materials on record.

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5. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate, Paramakudi on or before 30.12.2019 and he shall file an undertaking before the committal Court that he shall appear before the committal Court regularly on all future hearing dates without fail and also before the Sessions Court on all hearing dates without fail. Further the petitioner shall furnish two sureties each for a sum of Rs. 10,000/- to the satisfaction of the said Magistrate. On filing of such petition, the learned Magistrate is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

Sd/-

Assistant Registrar(CS)

// True Copy //

Sub Assistant Registrar(CS)

aav

To

1. The Judicial Magistrate, Paramakudi

2. The Inspector of Police,  
Paramakudi Town Police Station  
Ramanathapuram District

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate ( SR-106055[F] dated 19/12/2019 )

Cr1.O.P.(MD)No.18994 of 2019  
**18.12.2019**

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