



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P. (MD) .No.19241 of 2019

WEB COPY

Raja

...Petitioner/A-27

Vs.

The State Represented its,
the Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District,
(Crime No. 217 of 1997)

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, 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 the PRC No. 15 of 2019 on the file of the learned Judicial Magistrate, Paramakudi on the very same date of filing of the above recall petition.

For Petitioner : Mr.M.S. Jeyakarthik

For Respondent : Mrs.S.Chandrasekar
Additional Public Prosecutor

O R D E R

The 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 the PRC No. 15 of 2019 on the very same date of filing of the above recall petition.

2. The learned counsel appearing for the petitioner would submit that the case was originally registered in Crime No. 217 of 1997 by the respondent police against 42 persons and that the petitioner was arraigned as A-27 and the case was taken cognizance in PRC No. 11 of 2008 on the file of the learned Judicial Magistrate, Paramakudi for the offences under Sections 147, 148, 341, 333, 336, 307 of IPC r/w 5 of Indian Explosives Act, 1989. He would further submit that since the petitioner got an employment at Tirupur he was unable to appear before the learned Judicial Magistrate, Paramakudi on 21.11.2017 and hence, non bailable warrant has been issued against the petitioner. Further, the case has also been split up against the absconding accused as PRC No. 15 of 2019. 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 and the trial Court Court below regularly on all future hearing dates without fail. He would also submit that the



petitioner is prepared to furnish fresh sureties who are his blood relatives.

3. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that the case against the petitioner has been split up as PRC No. 15 of 2019 is pending for committal on the file of the learned Judicial Magistrate, Paramakudi. She would further submit that since the petitioner was absconding for a longtime the respondents are unable to proceed with the committal and the case now stands posted on 31.12.2019.

4. 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.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate,
Paramakudi.

2. 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-106393[F] dated
20/12/2019)

Crl.O.P. (MD) .No.19241 of 2019
20.12.2019

KK/SAR/27.12.2019/2P-5C/