

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 4716 of 2020

S. Hemalatha

.. Petitioner

Vs

The State of Tamil Nadu Rep by its,
The Drug Inspector,
Ambattur II Range,
O/o The Assistant Director of Drugs Control,
Zone - IV, DMS Campus, Teynampet,
Chennai - 600 006.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to recall the Non-Bailable Warrant issued against the petitioner by the Chief Judicial Magistrate at Tiruvallur in Crl.M.P.No.654 of 2020 in C.C.No.53 of 2018 dated 21.02.2020.

For Petitioner : Mr.R. Thangavel

For Respondent : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to recall the Non-Bailable Warrant issued against the petitioner by the Learned Chief Judicial Magistrate at Tiruvallur in Crl.M.P.No.654 of 2020 in C.C.No.53 of 2018 dated 21.02.2020.

2. The learned counsel appearing for the petitioner would submit that in view of both C.C and the appeal were listed for enquiry on the very same day i.e. 21.02.2020, the petitioner was not able to appear before the Learned Chief Judicial Magistrate, Tiruvallur in respect of the case in Crl.M.P.No.654 of 2020 in C.C.No.53 of 2018 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 she 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 Chief Judicial Magistrate, Tiruvallur on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against her. 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(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Drug Inspector,
The State of Tamil Nadu,
Ambattur II Range,
O/o The Assistant Director of Drugs Control,
Zone - IV, DMS Campus, Teynampet,
Chennai - 600 006.

2.The Public Prosecutor,
High Court, Madras.

+1 cc Mr.R.Dayalan, Advocate, SR.No. 18497

Cr1.O.P.No. 4716 of 2020

RSV(CO)

RMP (30/09/2020)

सत्यमेव जयते

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