



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.03.2020
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

CrI.O.P.No.6800 of 2020

Senthil

.. Petitioner

Vs

K.S.Raja

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate (FTC), Kallakurichi to entertain the petitioner's recall petition under Section 70 (2) of Cr.P.C. in CrI.MP.S.R.No.538 of 2020 in CC.No.268 of 2016 to be taken on file without insisting the presence of the petitioner/ accused and pass orders on the same day itself.

For Petitioner : Mr.S.Saravana Kumar

O R D E R

This Criminal Original petition has been filed to direct the learned Judicial Magistrate (FTC), Kallakurichi to entertain the petitioner's recall petition under Section 70 (2) of Cr.P.C. in CrI.MP.S.R.No.538 of 2020 in CC.No.268 of 2016 to be taken on file without insisting the presence of the petitioner and pass orders on the same day itself.

2. The learned counsel appearing for the petitioner would submit that on 03.10.2019, due to serious illness, the petitioner was not able to appear before the trial court and he underwent major surgery and that the counsel on record also filed petition to dispense with the appearance of the accused, but without receiving the application, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton. Hence, the petition.

3. Considering the facts and circumstances of the case, the learned Judicial Magistrate(FTC), Kallakurichi is directed to entertain the petitioner's recall petition in CrI.MP.SR.No.538 of 2020 in CC.No.268 of 2016 under Section 70(2) of Cr.P.C., to



recall NBW already issued against him, without insisting the presence of the petitioner, and the learned Judicial Magistrate (FTC), Kallakurichi is directed to consider the same on its own merits in accordance with law and pass orders on the same day itself.

4. With the above directions, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

1. The learned Judicial Magistrate(FTC),
Kallakurichi
2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.S.Saravanakumar Advocate sr24615

Cr1.O.P.No.6800 of 2020

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