

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 6027 of 2020

J.Shokkath Ali

.. Petitioner

Vs

The State Represented by
The Inspector of Police,
S-15, Selaiyur Police Station,
Selaiyur, Chennai.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Principal Family Court at Chennai to consider the petition to recall the Non Bailable Warrant, filed under Section 70(2) of Cr.P.C and consider on the same day of surrender itself issued in M.P.No.806 of 2019 in M.C.No.438 of 2016 dated 11.02.2020 on the file of the Principal Family Court at Chennai.

For Petitioner : Mr.R.Murugesan

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

O R D E R

This Criminal Original petition has been filed to direct the Principal Family Court, Chennai to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 11.02.2020 in M.P.No.806 of 2019 in M.C.No.438 of 2016 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 11.02.2020, due to illness, the petitioner was not able to appear before the Principal Family Court at Chennai in respect of the case in M.P.No.806 of 2019 in M.C.No.438 of 2016 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 Principal Family Court, Chennai 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Family Court,
Chennai.
2. The Inspector of Police,
S-15, Selaiyur Police Station,
Selaiyur, Chennai.
3. The Public Prosecutor,
High Court, Madras.

RK (CO)
RPP (22/05/2020)

सत्यमेव जयते

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