

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 5808 of 2020

J.Prabu

.. Petitioner

Vs

1.The Inspector of Police,  
Mathur Police Station,  
Mathur, Krishnagiri District.

2.V.C.Murali

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate to consider his application for recall the Non-Bailable Warrant issued on 17.12.2019 in STC.No.699 of 2016, on the Judicial Magistrate, Uthangarai, upon his surrender on the same day.

For Petitioner : Mr.K.Thiruvengadam

For R1 : Mr.M.Mohamd Riyaz  
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Uthangarai, to consider the petitioner's application for recall the Non-Bailable Warrant issued on 17.12.2019 in STC.No.699 of 2016, on the same day of surrender.

2 The learned counsel appearing for the petitioner would submit that on 17.12.2019, due to acute fever, the petitioner was not able to appear before the learned Judicial Magistrate, Uthangarai, in respect of the case in STC.No.699 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 learned Judicial Magistrate, Uthangarai, 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

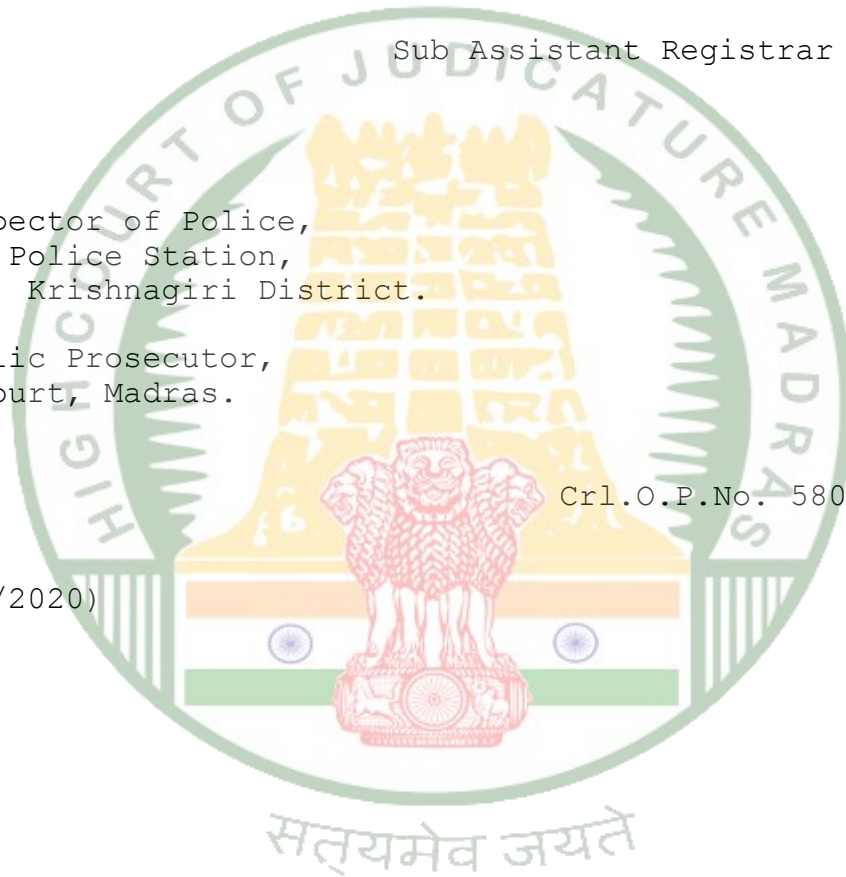
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To

- 1.The Inspector of Police,  
Mathur Police Station,  
Mathur, Krishnagiri District.
- 2.The Public Prosecutor,  
High Court, Madras.

Crl.O.P.No. 5808 of 2020

MR(CO)  
GMY(10/06/2020)



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