

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6257 of 2020

Mohan,

... Petitioner

Vs

The State rep by,
The Inspector of Police,
E-8, Kelambakkam Police Station,
Kancheepuram District.
Crime No.8 of 2011.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Learned Additional District & Sessions Judge (FTC), Chengalpattu, to consider recall warrant petition to be filed under Section 70(2) of the Criminal Procedure Code to recall the non-bailable warrant issued on 30.10.2018 against the petitioner on the same day of filing and surrender.

For Petitioner : Mr.G.Mageshkumar

For Respondent : M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct the Learned Additional District & Sessions Judge (FTC), Chengalpattu, to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 30.10.2018 in S.C.No.147 of 2011 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 30.10.2018, due to illness, the petitioner was not able to appear before the Additional District & Sessions Judge (FTC), Chengalpattu, in respect of the case in S.C.No.147 of 2011 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 Additional District & Sessions Judge (FTC), Chengalpattu, 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 Additional District & Sessions Judge (FTC), Chengalpattu.
2. The Inspector of Police, E-8, Kelambakkam Police Station, Kancheepuram District.
3. The Public Prosecutor, High Court, Madras.

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

Cr1.O.P.No.6257 of 2020

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