



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6732 of 2020

and

Crl.O.P.No.3706 of 2020

P.Selvakumar

..Petitioner/Petitioner/
Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Virudhachalam,
Cuddalore District.
(Crime No.6 of 2011)

..Respondent/Respondent
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 02.03.2020 passed by the learned Judicial Magistrate II (FAC), Virudhachalam in Crl.M.P.No.380 of 2020 in C.C.No.45 of 2012.

For Petitioner : Mr.L.Mouli

For Respondent : M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct the learned Judicial Magistrate II (FAC), Virudhachalam, to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 02.03.2020 in C.C.No.45 of 2012 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 02.03.2020, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate II (FAC), Virudhachalam, in respect of the case in C.C.No.45 of 2012 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 II (FAC), Virudhachalam, 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. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AD I MDU)

//True Copy//

Sub Assistant Registrar

kv

To,

1. The Judicial Magistrate II (FAC), Virudhachalam

2. The Inspector of Police,
All Women Police Station,
Virudhachalam,
Cuddalore District.

3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.L. Mouli, Advocate, S.R.No.24425

Cr1.O.P.No.6732 of 2020

PVS(CO)
EU 6.7.2020