

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9614 of 2020

Binu Joseph Kaappilly

.. Petitioner

Vs

Kumar Rajendran

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Metropolitan Magistrate (FTC-III) Saidapet, Chennai, to consider the recall petition filed under Section 70(2) of Cr.P.C. in C.C.No.1776 of 2018 without insisting on her personal appearance.

For Petitioner : M/s.Swarnam J. Rajagopalan

O R D E R

This Criminal Original Petition has been filed to direct the learned Metropolitan Magistrate (FTC-III) Saidapet, Chennai, to consider the re-call petition filed under Section 70(2) of Cr.P.C. in C.C.No.1776 of 2018 without insisting on her personal appearance.

2. The learned counsel appearing for the petitioner would submit that on 26.09.2019, due to ectopic pregnancy problems, the petitioner was not able to appear before the Metropolitan Magistrate (FTC-III) Saidapet, Chennai, in respect of the case in C.C.No.1776 of 2018 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 Metropolitan Magistrate (FTC-III) Saidapet, Chennai, on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against her. On filing of such petition, the learned Magistrate concerned is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

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

Sd/-
Assistant Registrar (CS-III)

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Sub Assistant Registrar

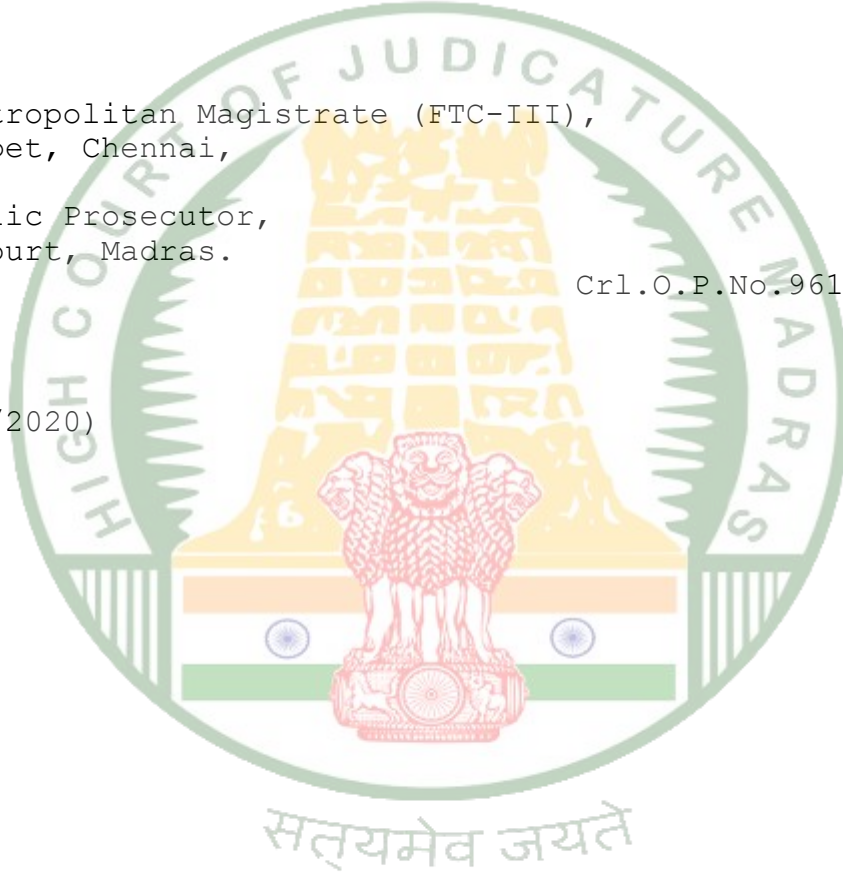
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To

1. The Metropolitan Magistrate (FTC-III),
Saidapet, Chennai,
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.9614 of 2020

MR (CO)
GMY (22/09/2020)



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