

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13892 of 2020

1. Deepu PD M/37
S/o.Pallathery
Vattekkad, Kanakamala
Kodakara
Thrissur
Kerala-680 689
2. Satheesan M/45
S/o.Sahadevan
Marottikunnnan House Kallur
Mavinchode Kallur
Muttithadi, Mukundapuram
Thrissur
Kerala-680 317
3. Santhosh M/45
S/o.Appukuttan
Arikkatt House
Thevarpadam
Mattathur
Thrissur
Kerala-680 684.

...Petitioners

सत्यमेव जयते
Vs

State by Inspector of Police
Sholurmattam Police Station
Nilgiris District.
(Crime No.158/2017)

...Respondent

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to praying to recall the non-bailable warrant issued against the petitioner in S.C No.2 of 2018 on the file of the District Judge cum Chief Judicial Magistrate Court, Nilgiris.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondents: Mr.A.Natarajan,
State Public Prosecutor
Assisted by
Mr.M.Mohamed Muzammil
Government Advocate (Criminal Side)

ORDER

This Criminal Original petition has been filed seeking direction to recall the non-bailable warrant issued against the petitioners in S.C No.2 of 2018 on the file of the District Judge cum Chief Judicial Magistrate Court, Nilgiris.

2. The learned counsel appearing for the petitioner would submit that on 21.08.2020, due to ongoing pandemic situation, since the petitioners are original resident of state of Kerala, the petitioners were not able to appear before the District Judge cum Chief Judicial Magistrate Court, Nilgiris, in respect of the case in S.C No.2 of 2018 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither willful nor wanton and they undertake that the petitioners 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 petitioners, the petitioners are directed to appear before the District Judge cum Chief Judicial Magistrate Court, Nilgiris, 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. Further, the petitioners are directed to appear before the trial Court on each and every hearing of the trial without fail, in future. If the petitioners fail to appear before the trial Court, the trial Court is directed to proceed with the trial in the absence of the petitioners. Further, it is seen that this Court has already directed the trial Court to proceed with the trial within a period of three months by an order dated 04.08.2020, in CrI.O.P No.11805 of 2020 and the trial Court is directed to comply the same as per the direction issued by this Court.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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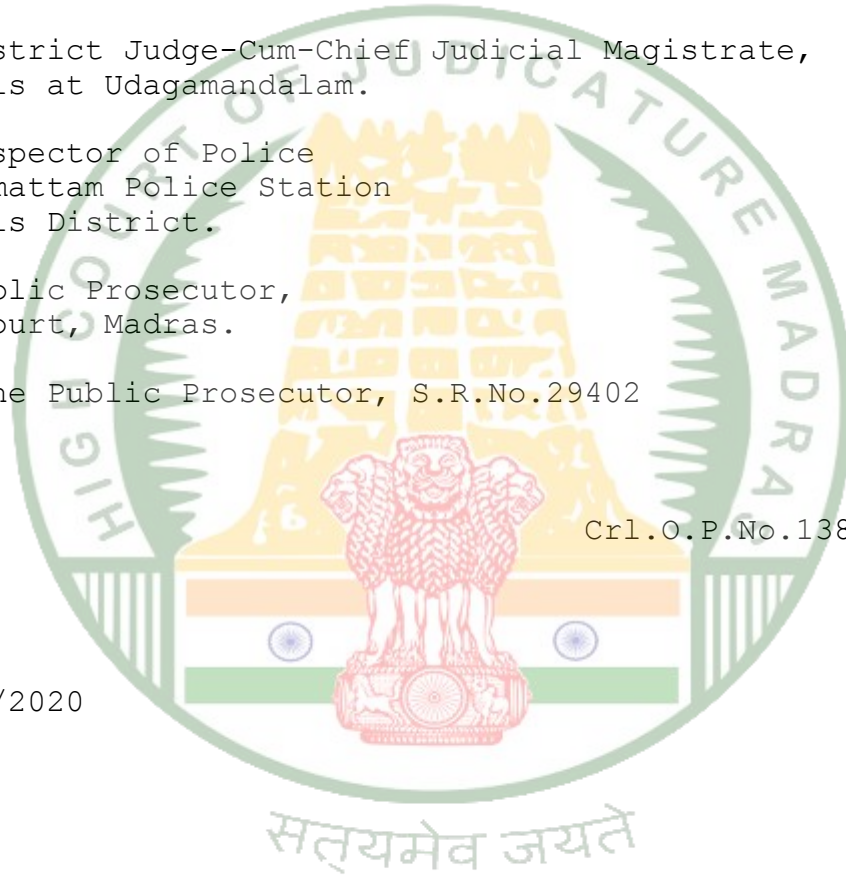
To

1. The District Judge-Cum-Chief Judicial Magistrate,
Nilgiris at Udagamandalam.
2. The Inspector of Police
Sholurmattam Police Station
Nilgiris District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to the Public Prosecutor, S.R.No.29402

CrI.O.P.No.13892 of 2020

SSV(CO)
KKV/15/09/2020



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