

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13988 of 2020

Palani,
S/o.Sambath,
First Street, Arasudaiyampattu Village,
Thiruvannamalai Taluk,
Thiruvannamalai District .. Petitioner

Vs

State Sub Inspector of Police,
Thandrampet Police Station,
Thiruvannamalai.
(Cr.No.57 of 2016) ... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate Court at Thiruvannamalai to accept the surrender of petitioner/Accused and to recall the Non-Bailable Warrant issued against the petitioner/Accused in C.C.No.95 of 2016 on the file of the learned Judicial Magistrate Judge-I at Thiruvannamalai on the same day.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed for direction directing the learned Judicial Magistrate, Thiruvannamalai to accept the surrender of petitioner/Accused and to recall the Non-Bailable Warrant issued against the petitioner/Accused in C.C.No.95 of 2016 on the file of the learned Judicial Magistrate Judge-I at Thiruvannamalai on the same day.

2. The learned counsel appearing for the petitioner submitted that the petitioner was convicted for the offence under sections 294(b) and 352 IPC and section 4 of WH Act 2002 and for the offence under section 294(b) fine amount of

Rs.1000/- in default sentence for 1 months and for offence under section 352 IPC fine amount of Rs.500/- in default for sentence for 1 month and for offence under section 4 of WH Act 2002, 1 year R.I. and fine amount of Rs.10,000/- in default, sentence for 1 month on 03.04.2019 by Judicial Magistrate-I, Thiruvannamalai. He has further submitted that after the conviction, he has filed a petition for suspension of sentence before the Judicial Magistrate-I, Thiruvannamalai and sureties also furnished and he has already paid the fine amount of Rs.11,500/-. However, since the petitioner could not mobilize the fund, he was not able to file Criminal Appeal within the prescribed time. While being so, the petitioner came to know that non bailable warrant was issued against him on 15.07.2020. 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 Judge-I, Thiruvannamalai, 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(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

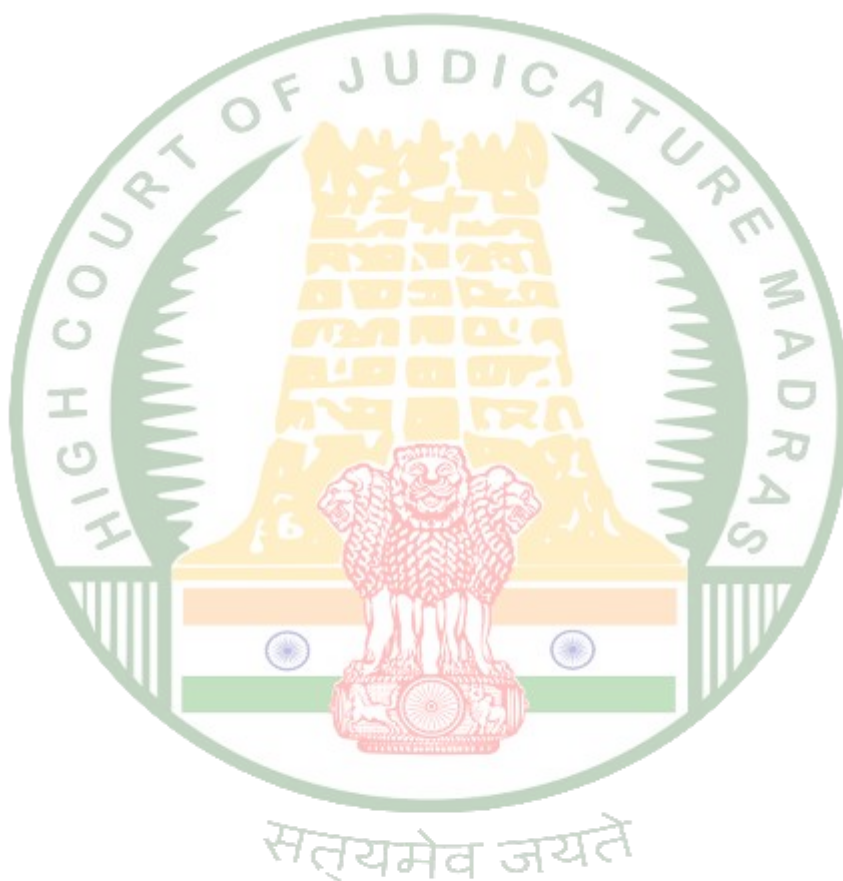
1.The Sub Inspector of Police,
Thandrapet Police Station,
Thiruvannamalai.
(Cr.No.57 of 2016)

2.The learned Judicial Magistrate-I,
Thiruvannamalai.

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No. 13988Of 2020

sr[co]
srg 09/10/2020



WEB COPY