

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14821 of 2020

K.Thangavel, M/A 41 Years,
S/o.Kandasamy,
No.32/5, Karattuppalayam,
Illumpuli,
Tiruchengode Taluk,
Namakkal.

...Petitioner

Vs

R.Mohan, M/A 45 Years,
S/o.Raju,
No.1/176, Rayalur,
Mettukadu,
Chinnagovundanur Post,
Sankagiri Taluk,
Salem District.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate-Fast Track Magistrate No.1, Erode to accept the surrender of the petitioner in STC No.286 of 2018 and consider his petition to recall the Non Bailable Warrant issued against the petitioner on 29.01.2020.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate-Fast Track Magistrate No.1, Erode to accept the surrender of the petitioner in STC No.286 of 2018 and consider his petition to recall the Non Bailable Warrant issued against the petitioner on 29.01.2020.

2. The learned counsel appearing for the petitioner would submit that on 29.01.2020, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate-Fast Track Magistrate No.1, Erode, in respect of the case in

S.T.C.No.286 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 learned Judicial Magistrate-Fast Track Magistrate No.1, Erode, 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

To

1. The Judicial Magistrate-Fast Track Magistrate No.1, Erode.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.14821 of 2020

RSK(CO)
RV(02/11/2020)

WEB COPY