

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.15283 of 2020

C.Kailasanathan,
S/o.Chennimalai Gounder,
92/342 Ganthi Nagar,
Malapalayam Post,
Chennimalai,
Erode - 638 051.

... Petitioner

Vs.

P.Elangovan
S/o.Palamuthu,
No.21, Kadai Veethi,
Mohanur Post and Taluk,
Namakkal District - 637 015.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to recall the Non Bailable Warrant dated 03.01.2020 issued by the Judicial Magistrate No.II Namakkal in C.C.No.100/2018.

For Petitioner : Mr.K.Kannadhasan

ORDER

This Criminal Original petition has been filed to recall the Non Bailable Warrant dated 03.01.2020 issued by the Judicial Magistrate No.II Namakkal in C.C.No.100/2018.

2. The learned counsel appearing for the petitioner would submit that on 03.01.2020, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate No.II, Namakkal, in respect of the case in C.C.No.100 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 No.II, Namakkal, 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

gbi
To

1.The Judicial Magistrate No.II,
Namakkal

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Kannadasan, Advocate, sr no.31831

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PA(CO)
RMP(21/10/2020)