

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE T. RAVINDRAN

Cr1.O.P.No. 18364 of 2020

Abdul Khader
S/o. Mohamed Kasim

...Petitioner

Vs.

The State Rep. by
The Inspector of Police
B1, North Beach Police Station
Chennai
Crime No.389 of 2008

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to issue a suitable direction to the learned VII Metropolitan Magistrate, George Town, Chennai, to number the petition dated 10.11.2020 filed under Section 70(2) Cr.P.C. and to recall the non bailable warrant issued against the petitioner in CC No.195 of 2015 without insisting his presence.

For Petitioner : Mr. A.P. Sathyamoorthy

For Respondent : Ms. M. Prabhavathi

Additional Public Prosecutor

O R D E R

The petitioner/A5 is facing criminal prosecution in CC No.195/15 on the file of the VII Metropolitan Magistrate, George Town, Chennai, for the offences punishable under Sections 120 (b), 153A, 353, 506(i) and 292(A) of IPC r/w 15(2) TNEF Act and 13(1) of the Unlawful Activities Prevention Act 1957 @ 292(A) of IPC, 353 r/w 34 IPC. When the case was posted for hearing on 30.06.2016, inasmuch as the petitioner failed to appear before the court below, Non Bailable Warrant has come to be issued against him. Seeking to recall the Non Bailable Warrant, it is seen that the petitioner has preferred the petition under Section 70(2) Cr.PC before the court below on 10.11.2020. However, the same had been returned by the court below without numbering the petition for the following reason.

"This petition is returned due to NBW pending for the period from 30.06.2016 (Long pending NBW)".
Now the grievance of the petitioner is that the court below should have taken the petition on file and dispose of the same in accordance with law and hence, the court below should be directed to take the petition on file and dispose of the same in accordance with law.

2. Considering the limited prayer sought for by the petitioner, I deem it fit to dispose of the Criminal Original Petition with the following directions:

(i) The petitioner is directed to represent the returned petition preferred by him for recalling Non Bailable Warrant under Section 70(2) Cr.PC on 10.11.2020 before the VII Metropolitan Magistrate, George Town, Chennai, within three days from the date of receipt of a copy of this order.

(ii) On the representation of the said petition, VII Metropolitan Magistrate, George Town, Chennai, is directed to take the petition on file and dispose of the same in accordance with law expeditiously.

3. Accordingly, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The VII Metropolitan Magistrate,
George Town, Chennai.

2. The State Rep. by
The Inspector of Police
B1, North Beach Police Station
Chennai
Crime No.389 of 2008

3. The Public Prosecutor,
Madras High Court,
Chennai.

Cr1.O.P.No. 18364 of 2020

EV(CO)

KKV/01/12/2020