

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 29162 of 2019

G.Babu

.. Petitioner

Vs

1. The Inspector of Police,
Taluka Police Station,
Chennimalai Road,
Rangampalayam,
Erode.

2. J.Srinivasan.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue direction to the learned Judicial Magistrate Fast Tract Court No.I, Erode to consider the surrender and recall petition on the same day in the event of the petitioner/accused surrender in STC.No.53 of 2015 before the Judicial Magistrate, Fast Track Court No.I, Erode.

For Petitioner : Mr.K.Balakrishnan

For Respondents: Mr. M.Mohamed Riyaz
Additional Public Prosecutor
for R1

: Mr.S.P.Vijayaragavan for R2

सत्यमेव जयते
O R D E R

This Criminal Original petition has been filed to recall the Non-Bailable Warrant issued against the petitioner by the learned Judicial Magistrate, Fast Track Court No.I, Erode in S.T.C.No.53 of 2015 dated 25.10.2015.

2. The learned counsel appearing for the petitioner would submit that the petitioner was not able to appear before the learned Judicial Magistrate, Fast Track Court No.I, Erode in respect of the case in C.C.No.53 of 2015 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 she 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 Court No.I, Erode on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against her. On filing of such petition, the concerned learned Magistrate is directed to issue notice to the de-facto complainant and 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kv
To

1. The Inspector of Police,
Taluka Police Station,
Chennimalai Road,
Rangampalayam,
Erode.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.Balakrishnan, Advocate sr 19695

+1 CC to Mr.S.P.Vijayaragavan, Advocate sr 19528.

सत्यमेव जयते

CrI.O.P.No. 29162 of 2019

GMR (CO)
SP(16/07/2020)

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