



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.01.2020**

CORAM:

**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD)No.858 of 2020

WEB COPY

Fr. Maria Arputham

... Petitioner

Vs

1. T. Mahesh

2. Fr. Joseph Sundaram

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District to set aside the order of Non Bailable Warrant and recall the same issued in STC No. 1278 of 2015 dated 16.08.2017 insofar as the petitioner is concerned.

For Petitioner : Mr.S.Xavier Rajini

**ORDER**

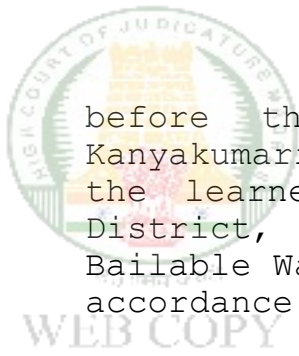
This petition has been filed to direct the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District to set aside the order of Non Bailable Warrant and recall the same issued in STC No. 1278 of 2015 dated 16.08.2017 insofar as the petitioner is concerned

2.The learned counsel appearing for the petitioner would submit that the petitioner is a accused facing trial in STC No.1278 of 2015 for the offences under Sections 138 of the Negotiable Instrument Act. He would further submit that originally the case was taken on file in STC No. 557 of 2013 on the file of the learned Judicial Magistrate No.I, Kuzhithurai , Kanyakumari District. Thereafter due to want of jurisdiction the case was transferred to the file of the learned Judicial Magistrate, Neyatthinkara, Kerala State. Again the case was transferred to the present court on 29.02.2019 and re-numbered as STC No.1278 of 2015 and without any summons being issued by the learned Magistrate, Non Bailable Warrant has been issued against the petitioner on 16.08.2017.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

4.At this Juncture, the learned counsel appearing for the petitioner would submit that the petitioner is prepared to surrender before the trial Court and cooperate with the progress of the trial.

5.Taking into consideration the submission made by the learned counsel for the petitioner, the petitioner is directed to surrender



before the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District on the next hearing date. On such surrender, the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, shall consider the application for recalling the Non-Bailable Warrant on the same day of his surrender and pass orders in accordance with law.

6.In the result, this Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS )

aav

To

The Judicial Magistrate No.I,  
Kuzhithurai, Kanyakumari District

+1 CC to Mr.S.XAVIER RAJINI, Advocate ( SR-2448[F] dated  
22/01/2020 )

Crl.O.P.(MD)No.858 of 2020  
22.01.2020

MK (30.01.2020) 2P 3C