



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2020

CORAM

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

Crl.O.P (MD) No. 2729 of 2020

R.Kalidoss

... Petitioner/Sole accused
Vs

The State by
The Inspector of Police,
B1 Town Police Station,
Ramanathapuram District.
(in Crime No.191 of 2012)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate No1, Ramanathapuram to consider application under Section 70(2) of Criminal Procedure Code without insisting the presence of the petitioner to recall the non bailable warrant issued on 02.07.2018 against the petitioner in C.C.No.55 of 2013 on his file.

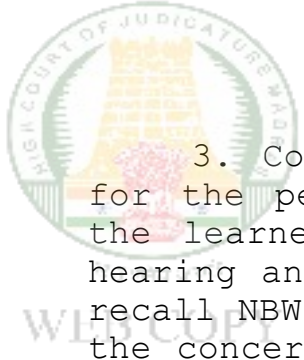
For Petitioner : Mr.S.Malaikani

For Respondent : Mr.S.Chandarasekar
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct the learned Judicial Magistrate No1, Ramanathapuram to consider application under Section 70(2) of Criminal Procedure Code without insisting the presence of the petitioner to recall the non bailable warrant issued on 02.07.2018 against the petitioner in C.C.No.55 of 2013 on his file.

2. The learned counsel appearing for the petitioner would submit that on 02.07.2018, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate No1, Ramanathapuram in respect of the case in C.C.No.55 of 2013 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 No1, Ramanathapuram 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 and 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(CS-III)

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/ /2020

Sub Assistant Registrar(CS)

vsg

To

1. The Judicial Magistrate No1,
Ramanathapuram.

2. The Inspector of Police,
B1 Town Police Station,
Ramanathapuram District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-6631[F] dated 17/02/2020)

Cr1.O.P (MD) No. 2729 of 2020
17.02.2020

AVS(CO)
TR(26.02.2020)2P 5C