

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 03.03.2020****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Cr1 OP (MD)No.3782 of 2020**

WEB COPY

Nagaraj @ Nagarajan

... Petitioner /7th Accused

Vs.

- 1.The State, rep.by its
Deputy Superintendent of Police,
Thiruvadanai, Ramanathapuram District.
- 2.The State, rep.by its The Inspector of Police,
Thiruppalaigudi Police Station,
Ramanathapuram District.
(Crime No.57/2011)
- 3.Arumugam
- 4.Narayanan

... Respondents

Prayer : This criminal original petition is filed under Section 482 of Cr.Pc, to direct the learned Judicial Magistrate Court No.I, Ramanathapuram to consider the recall petition to be filed by the petitioner for recalling the Non Bailable Warrant issued as against the petitioner in connection with PRC No.4 of 2011 on the file of the learned Judicial Magistrate Court No.1, Ramanathapuram on the very same date of the filing of the above recall petition.

For Petitioner

: Mr.M.S.Jeyakarthish

For Respondents No.1 and 2

: Mr.A.Robinson,
Government Advocate (crl.side)**ORDER**

The petitioner is one of the accused in PRC No.4 of 2011 on the file of the Judicial Magistrate No.1, Ramanathapuram. It appears that NBW is pending against him since 31.12.2018. The petitioner wants the said warrant to be recalled. As per Section 70(2) of Cr.PC, the petitioner will have to necessarily approach the court below for such recall. The petitioner's apprehension is that in view of the long pendency of NBW, he may be remanded.

2.While the apprehension of the petitioner is justified, his conduct in absconding for more than one year cannot be condoned. The learned counsel for the petitioner undertakes to deposit a sum of Rs.5,000/- payable to the District Legal Services Authority, Ramanathapuram. The petitioner also undertakes to appear in all the future hearings without fail. If the petitioner unable to appear, his counsel will have to represent him. In any event, on account of the petitioner's absence, trial will not be stalled.

3.Recording the undertaking given by the petitioner, the <https://hcservices.court.gov.in/hcservices/> directed to appear before the court below on 13.03.2020 and apply for recall of warrant. On such application being filed, NBW issued against him shall be recalled on the end of



the day. The learned Trial Judge is at liberty to impose any additional conditions to ensure that the petitioner is available on all the future hearings. Till then, NBW issued against the petitioner will be kept in abeyance. This criminal original petition stands allowed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Skm

To

1.The Judicial Magistrate No.I, Ramanathapuram

2.The Deputy Superintendent of Police,
Thiruvadanai, Ramanathapuram District.

3.The Inspector of Police,
Thiruppalaigudi Police Station,
Ramanathapuram District.
(Crime No.57/2011)

4.The District Legal Services Authority, Ramanathapuram

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-10100[F]

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03.03.2020

SMA/10/03/2020/2P/7C