



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP (MD)No.3772 of 2020

S.P.Vasanthakumar

... Petitioner

Vs.

The State, rep.by the Deputy Superintendent
of Police,Cheranmahadevi Sub Division,Tirunelveli District.
(Crime No.258/2010 Munneerpallan Ps) ... Respondent

Prayer : This criminal original petition is filed under Section 482
of Cr.PC , to recall the Non Bailable Warrant dated 01.08.2017
issued against the petitioner in S.C No.99 of 2016 on the file of
the learned II Additional Sessions Court, Tirunelveli.

For Petitioner : Mr.A.Karthik
For Respondent : Mr.A.Robinson,
Government Advocate (crl.side)

ORDER

The petitioner is one of the accused in S.C No.99 of 2016 on
the file of the II Additional Sessions Judge, Tirunelveli. It
appears that NBW is pending against him since 01.08.2017. 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 three years 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,
Tirunelveli. 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
petitioner is directed to appear before the court below on
31.03.2020 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.

Sd/-

Assistant Registrar ()

// True Copy //



03.03.2020

Skm

To

1. THE ADDITIONAL SESSIONS JUDGE
TIRUNELVELI

2. THE DEPUTY SUPERINTENDENT OF POLICE,
CHERANMAHADEVI SUB DIVISION, TIRUNELVELI DIST.

3. THE DISTRICT LEGAL SERVICES AUTHORITY,
TIRUNELVELI

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1 CC to M/s.A.KARTHIK, Advocate (SR-10101[F] dated 04/03/2020)

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SMA/10/03/2020/2P/6C