



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2020

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P(MD).No.5095 of 2020

Karthick Prakash

... Petitioner/1st Accused

Vs.

The Inspector of Police,
Town Police Station,
Bodi,
Theni District.
(Cr.No.493/2013)

... Respondent/Investigating
Agency

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the learned Chief Judicial Magistrate, Theni to consider and to pass orders on the same day of the petition filed under Section 70(2) Cr.P.C., to recall the non-bailable warrant dated 06.05.2016 issued against the petitioner/1st accused in S.C.No.150/2015, pending on the file of the learned Chief Judicial Magistrate, Theni.

For Petitioner : Mr.S.Sukumar

For Respondent : Mrs. S.Bharathi
Government Advocate(Cr1.Side)

O R D E R

This Criminal Original petition has been filed to direct the learned Chief Judicial Magistrate, Theni to consider and to pass orders on the same day of the petition filed under Section 70(2) Cr.P.C., to recall the non-bailable warrant dated 06.05.2016 issued against the petitioner/1st accused in S.C.No.150/2015, pending on the file of the learned Chief Judicial Magistrate, Theni.

2. The learned counsel appearing for the petitioner would submit that the petitioner is working as a daily wager in Tirupur and he has not known about the Non-Bailable Warrant issued against him on 06.05.2016 in connection with the case in S.C.No.150 of 2015, on the file of the learned Chief Judicial Magistrate, Theni. 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 Chief Judicial Magistrate, Theni, 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 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 ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

To;

1. The Chief Judicial Magistrate,
Theni
2. The Inspector of Police,
Town Police Station,
Bodi, Theni District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court.

Cr1.O.P(MD) No. 5095 of 2020

DATED : 23.03.2020

SS/13.05.2020/2P-4C