



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

CrI.O.P.(MD)No.8203 of 2020

Petchimuthu @ Payasam

... Petitioner/Accused No.2

Vs.

State rep by its
The Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
(Crime No.92 of 2013)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned 4th Additional Sessions Judge, Tirunelveli to consider the recall warrant application of the petitioner on the same day of his surrender in S.C.No.778 of 2017 on its file.

For Petitioner	: Mr.R.Maheswaran
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to direct the learned IV Additional Sessions Judge, Tirunelveli to set aside the order of Non-Bailable Warrant and recall the same, which was issued in S.C.No.778 of 2017, dated 25.02.2020, insofar as the petitioner is concerned.

2.The learned counsel appearing for the petitioner would submit that the petitioner is an accused and facing trial in S.C.No.778 of 2017 for the offence punishable under Sections 120(b), 302, 115 r/w Section 34 IPC. He would further submit that originally the case was taken on file in S.C.No.778 of 2017 on the file of the learned IV Additional Sessions Judge, Tirunelveli and when the case was posted for examination of witnesses, due to COVID-19, the petitioner has not appeared before the learned IV Additional Sessions Judge, Tirunelveli and hence, Non-Bailable Warrant was issued on 25.02.2020. He would also submit that the petitioner is prepared to surrender before the Trial Court and co-operate for the progress of trial.

3.Heard the learned counsel on either side and perused the
<https://hcservices.courtsgov.in/hcservices> records on records.



4.Considering the submissions made by the learned counsel appearing for the petitioner, this Court directs the petitioner to surrender before the learned IV Additional Additional Sessions Judge, Tirunelveli. On such surrender, the learned IV Additional Additional Sessions Judge, Tirunelveli, shall consider the application for recalling the Non-Bailable Warrant on the same day his surrender and pass orders on merits and in accordance with law.

5.In the result, this criminal original petition is allowed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.IV Additional Additional Sessions Judge,
Tirunelveli.
- 2.The Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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