



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.01.2020**

CORAM:

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.O.P. (MD)No.19424 of 2019

Petchimuthu @ Payasam

... Petitioner / A4

Vs

State represented by
The Inspector of Police
Ambasamuthiram Police Station,
Tirunelveli District.
Crime No.92/2019

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent 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.

For Petitioner : Mr.C.Susi Kumar
For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed to direct the learned 4th Additional Sessions Judge, Tirunelveli, to recall the non-bailable warrant issued against the petitioner in S.C.No.778 of 2017 on the date of his surrender before the trial court.

2.The learned counsel appearing for the petitioner would submit that due to the petitioner's ill-health, he was not able to appear before the 4th Additional Sessions Court, Tirunelveli, in respect of the case in S.C.No.778 of 2017 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 appearing for the petitioner, the petitioner is directed to appear before the learned 4th Additional Sessions Judge, Tirunelveli, 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 Judge 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 (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The IV 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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