



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2020**

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD)No.19465 of 2019

WEB COPY

Mohammed Abubakar

... Petitioner

Vs

State through,
The Inspector of Police,
CCIW Madurai City Police Station,
Madurai.

(Crime No.3 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed in Cr.M.P.No.3955 of 2019 in C.C.No.19 of 2018 on the file of the Judicial Magistrate No.III, (CCIW), Madurai, dated 12.12.2019.

For Petitioner : Mr.C.Vakeeswaran
for M.Ajmal Khan

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.3955 of 2019 in C.C.No.19 of 2018 on the file of the Judicial Magistrate No.III, (CCIW), Madurai, dated 12.12.2019.

2.The learned counsel appearing for the petitioner would submit that the petitioner is A6 in C.C.No.19 of 2018, pending on the file of the Judicial Magistrate No.III, (CCIW), Madurai. He would further submit that the petitioner is aged about 71 years and due to his illness (Hemiparesis), he was unable to appear before the trial Court and hence Non Bailable Warrant has been issued against the petitioner on 07.12.2019. On the same day, he was unable to contact his counsel to file petition under Section 317 Cr.P.C. After knowing that Non Bailable Warrant has been issued against him, he filed a petition to recall the warrant in Cr.M.P.No.3955 of 2019 in C.C.No.19 of 2018 on the file of the Judicial Magistrate No.III, (CCIW), Madurai, and the same was dismissed on 12.12.2019. Hence, this present petition is filed.

3.The learned Additional Public Prosecutor would submit that Non Bailable warrant has been issued third time against the petitioner.



4.At this Juncture, the learned counsel appearing for the petitioner would submit that the petitioner is prepared to surrender before the trial Court and cooperate with the progress of the trial.

5.Taking into consideration the submission made by the learned counsel for the petitioner, the order dated 12.12.2019 in Cr.M.P.No.3955 of 2019 in C.C.No.19 of 2018 passed by the learned Judicial Magistrate No.III, (CCIW), Madurai is set aside and the petitioner is directed to surrender before the learned Judicial Magistrate No.III, (CCIW), Madurai, on or before 27.01.2020. On such surrender, the learned Judicial Magistrate No.III, (CCIW), Madurai, shall consider the application for recalling the Non-Bailable Warrant on the same day of his surrender.

6.In the result, this Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To

1.The Judicial Magistrate No.III, (CCIW),
Madurai.

2. The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
CCIW Madurai City Police Station,
Madurai.

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

+1 CC to Mr.C.VAKEESWARAN, Advocate (SR-663[F] dated 08/01/2020)

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07.01.2020

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