

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2021

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8253 of 2021

Sailesh T.Bansali
S/o.Taraschand A.Bansali

... Petitioner

Vs.

The State Rep. by
Inspector of Plantations/
Enforcement Officer,
EPF, Spencer's Building,
Ootacamund,
The Nilgiris.

... Respondent

PRAYER:

Criminal Original petition has been filed under Section 482 of Cr.P.C, prayed to direct the learned Judicial Magistrate, Gudalur, to re-call the Non-Bailable Warrant issued against the Petitioner in CC.No.169 of 1997 on the file of the Judicial Magistrate, Gudalur.

For Petitioner : Mr.K.V.Sridharan

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This Criminal Original petition has been filed seeking a direction to the learned Judicial Magistrate, Gudalur, to recall the Non Bailable Warrant issued against the Petitioner in CC.No.169 of 1997 pending on his file.

2. The learned counsel appearing for the petitioner would submit that due to illness, the petitioner was not able to appear before the Judicial Magistrate, Gudalur in respect of the case in C.C.No.169 of 1997 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 for the petitioner, the petitioner is directed to appear before the Judicial Magistrate, Gudalur 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 (CS-III)

//True copy//

Sub Assistant Registrar

mfa/dn

To

1. The Judicial Magistrate, Gudalur.

2. The Inspector of Plantations/
Enforcement Officer,
EDP, Spencer's Building,
Ootacamund,
The Nilgiris.

3. The Public Prosecutor,
High Court, Madras.

4. The Chief Judicial Magistrate, Gudalur.

+1cc to Mr.K.V.Sridharan, Advocate SR.No.27702

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PP(CO)
GMY(16/06/2021)