



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16729 OF 2021

P.R.Pandiyan

... Petitioner/
Accused 1

Versus

The State rep.by
The Inspector of Police,
District Crime Branch,
Thiruvarur District.
(Kottur P.S.Cr.No.215 of 2014)

... Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to recall the NBW issued on 03.03.2021 against the petitioner in PRC.No.4 of 2018 on the file of the Judicial Magistrate Court No.II, Mannargudi, Thiruvarur District in Cr.No.215 of 2014 on the file of the first respondent.

For Petitioner : Mr.P.Pugalenth
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to recall the NBW issued on 03.03.2021 against the petitioner in PRC.No.4 of 2018 on the file of the Judicial Magistrate Court No.II, Mannargudi, Thiruvarur District in Cr.No.215 of 2014 on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. The contention of the petitioner is that the petitioner is the President of a movement namely, 'Kaveri Delta Vivasayikal Sankam'. On 11.12.2014 at 5.00 hours the defacto complainant/ Marimuthu had lodged a complaint before the Inspector of Police, Kottur Police Station, Thiruvarur District against the



petitioner and 3 others alleging that their party office was destroyed by fire and properties worth about Rs.6 lakhs were damaged. Thereafter, a case was registered against the petitioner and 3 others under Section 436 of IPC in Crime No.215 of 2014. After conducting investigation in the above said case, the respondent police filed a Charge Sheet in PRC.No.4 of 2018 for the offences under Sections 436 and 120(B) of IPC before the Judicial Magistrate Court No.II, Mannarkudi, Thiruvavarur District. In the Charge Sheet, there is no allegation made against the petitioner. Therefore, the petitioner preferred a Criminal Original Petition in Crl.O.P.No.25902 of 2018 to quash the charge sheet in PRC.No.4 of 2018 in Crime No.215 of 2014 on the file of the Judicial Magistrate No.II, Mannargudi, Thiruvavarur District. The said Petition was dismissed by this Court and the personal appearance of the petitioner was ordered to be dispensed with. The further contention of the petitioner is that due to Covid-19 pandemic situation, on 03.03.2021, the petitioner was unable to appear before the trial Court. The petition under Section 317 Cr.P.C. filed on behalf of the petitioner was dismissed by the learned Judicial Magistrate No.II, Mannargudi and a Non Bailable Warrant was issued on 03.03.2021 against the petitioner. Hence, the petitioner has filed the above Criminal Original Petition for recalling the said Non-Bailable Warrant.

4. The learned Government Advocate (Crl.Side) has submitted that after completion of the investigation, charge sheet was filed. Since the accused neither obtained bail nor appeared before the Trial Court, the Non-Bailable Warrant was issued against the petitioner.

5. In view of the above, without going into the merits of the case, this Court directs the petitioner to appear before the learned Judicial Magistrate No.II, Mannargudi, Thiruvavarur District, within a period of two weeks from today and to file a petition to recall the Non Bailable Warrant on the same day. The concerned Magistrate is directed to complete the proceedings in Crime No.215 of 2014 and commit PRC.No.4 of 2018 as expeditiously as possible.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dna



To

1. The Judicial Magistrate No.II,
Mannargudi, Thiruvarur.
2. Do Thro' The Chief Judicial Magistrate,
Thiruvarur.
3. The Inspector of Police,
District Crime Branch,
Thiruvarur District.
4. The Public Prosecutor
High Court, Madras.

CRL.O.P.No.16729 of 2021

EV(CO)
CS/22/09/2021