



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.16443 of 2021

A.Khaja Mohideen

.... Petitioner/Accused

Versus

The State Rep. by its
Assistant Commissioner of Police,
Cyber Crime Cell, Central Crime Branch,
Egmore, Chennai.
Crime No.809/2005.

.... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to recall the Non Bailable Warrant issued on 06.03.2018 against the petitioner in C.C.No.1835 of 2018 before the Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.P.Murugesan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to recall the Non Bailable Warrant issued on 06.03.2018 against the petitioner in C.C.No.1835 of 2018 before the Chief Metropolitan Magistrate, Egmore, Chennai.

2. The petitioner has filed this petition, seeking direction to recall the Non-Bailable Warrant issued against him.

3. The contention of the petitioner is that the petitioner was not aware about the Non-Bailable Warrant issued against him and later only he came to know about the same. Hence, this petition.

4. The learned Additional Public Prosecutor has



submitted that totally there are seven accused in this case and the petitioner is the Accused No.3 in Crime No.809 of 2005. After completing the investigation, C.C.No.15273 of 2008 came to be filed. The petitioner earlier filed an anticipatory bail petition before this Court and one of the bail condition was that the petitioner has to surrender his Passport. Thereafter, the petitioner's Passport surrendered and sureties executed. Later, sought return of Passport to visit Mecca and the Passport was returned to him with a condition. Thereafter, the petitioner failed to resubmit the passport appear before the lower Court, hence split up the case since petitioner absconding. When the trial was pending, the case against the petitioner was split up and case in C.C.No.1835 of 2018 assigned. He further submitted that some discharge petitions in the mother case in C.C.No.15273 of 2008 was kept pending and the trial is yet to commence. Since the accused got split up the case, Non-Bailable Warrant is pending.

5. The learned Additional Public Prosecutor has further submitted that there are only 14 witnesses and all the witnesses would be proceeded without any delay and they should co-operate to complete the trial.

6. Considering the submissions and perused the materials it is seen that the dispute between the defacto complainant and the petitioner is one of an employee-employer relationship. Further, in the mother case C.C.No.15273 of 2008, the trial is yet to commence. The petitioner is now ready and available to come forward to participate in the trial.

7. In view of the same, the trial Court is directed to recall the Non-Bailable Warrant issued against the petitioner in C.C.No.1835 of 2018 and as per the original condition, the petitioner shall surrender his Passport before the trial Court. The miscellaneous petitions pending are to be disposed of within a period of two weeks. Thereafter, the Trial Court shall commence the trial within a period of three weeks and proceed and complete the trial within a period of four months.

8. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dna



To

1.The Chief Metropolitan Magistrate, Egmore, Chennai.

2.The Assistant Commissioner of Police,
Cyber Crime Cell, Central Crime Branch,
Egmore, Chennai.

3.The Public Prosecutor
High Court, Madras.

CRL.O.P.No.16443 of 2021

PVS (CO)
CT/18/10/2021