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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.16668 of 2021

P.R.Pandiyan

... Petitioner/Accused 1

Versus

The State rep.by
The Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.
(Cr.No.76 of 2019)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to recall the NBW issued on 26.08.2021 against the petitioner in STC.No.1376 of 2020 on the file of the Judicial Magistrate Court No.II, Mannargudi, Thiruvarur District in Crime No.76 of 2019 on the file of the respondent Police Station.

For Petitioner : Mr.P.Pugalenth

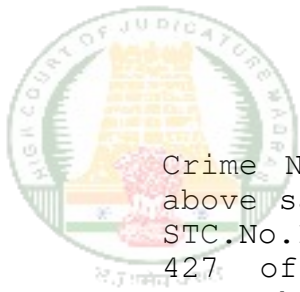
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to recall the NBW issued on 26.08.2021 against the petitioner in STC.No.1376 of 2020 on the file of the Judicial Magistrate Court No.II, Mannargudi, Thiruvarur District in Crime No.76 of 2019 on the file of the respondent Police Station.

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". In the year 2019, the petitioner and other farmers were participated in a non violence movements against the ONGC Pipeline projects. On 11.06.2019, one Vijayarengan, Security Inspector, ONGC, Thanjavoor has lodged a complaint against the petitioner and five other persons. Based on his complaint, a case was registered against them for the offences under Sections 143, 447, 427 of IPC in



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Crime No.76 of 2019. After conducting investigation in the above said case, the respondent police filed a charge sheet in STC.No.1376 of 2020 for the offences under Sections 143, 447, 427 of IPC before the Judicial Magistrate Court No.II, Mannarkudi, Thiruvarur District. The Trial Court had issued summons to the accused and the same has not been served to the petitioner. On 26.08.2021, the learned Magistrate issued a Non-Bailable Warrant against the petitioner based on the police report that the summon was sent through the petitioner's whatsapp. The further contention of the petitioner is that he has not seen the summon and therefore, he has not appeared before the Trial Court. Based on the whatsapp proof, the learned Judicial Magistrate has issued the Non-Bailable Warrant against the petitioner. Hence, the petitioner has filed the above Criminal Original Petition for recalling the Non-Bailable Warrant issued on 26.08.2021.

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, Thiruvarur 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.76 of 2019 consequently in STC.No.1376 of 2020 as expeditiously as possible.

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

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

dna
To

1.The Judicial Magistrate No.II,
Mannargudi, Thiruvarur District.

2.Do Through:
The Chief Judicial Magistrate,
Thiruvarur District.



3.The Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.

4.The Public Prosecutor
High Court, Madras.

CRL.O.P.No.16668 of 2021

EV(CO)
KM(22/09/2021)