



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.16934 OF 2021

P.R.Pandiyan

... Petitioner/Accused-1

Versus

The State Rep.by
The Inspector of Police,
Vikrapandiyam Police Station,
Thiruvarur District.
(Cr.No.62 of 2015)

... Respondent/Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to recall the NBW issued on 02.08.2021 against the petitioner in PRC.No.33 of 2017 on the file of the Judicial Magistrate Court No.II, Mannargudi, Thiruvarur District in Crime No.62 of 2015 on the file of the respondent Police Station.

For Petitioner : Mr.P.Pugalenthir

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to recall the NBW issued on 02.08.2021 against the petitioner in PRC.No.33 of 2017 on the file of the Judicial Magistrate Court No.II, Mannargudi, Thiruvarur District in Crime No.62 of 2015 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 2015, the petitioner and other farmers were participated in a non violence movements against the ONGC Pipeline projects. On 16.07.2015 one Vanchinathan, Civil Contractor, ONGC, Karaikal has lodged a complaint against the petitioner and 21 other persons. Based on his complaint a case was registered against them for the offence under Sections 147, 148, 294(b), 506(ii) of IPC and Section 3 (1) of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act 1992 and Section 450 of IPC in Crime No.62 of 2015. After conducting investigation in the above said case, the respondent police filed a charge sheet in PRC.No.33 of 2017 for the offences under Sections 147, 148, 294(b), 506(ii) of IPC and Section 3 (1) of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act 1992 and Section 450 of IPC before the Judicial Magistrate Court No.II, Mannarkudi, Thiruvarur District. The trial Court had issued summons to the accused. The petitioner and other accused have regularly appeared before the Judicial Magistrate Court No.II, Mannarkudi, Thiruvarur District. The further contention of the petitioner is that due to second Covid-19 pandemic, the Court had been closed and hence, the petitioner has not appeared before the trial Court on 02.08.2021. Therefore, the trial Court had issued Non-Bailable Warrant against him on 02.08.2021. 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, 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.62 of 2015 and commit PRC.No.33 of 2017 as expeditiously as possible.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna



To

1. The Judicial Magistrate No.II,
Mannargudi, Thiruvarur.
2. -do- thro the Chief Judicial Magistrate,
Thiruvarur District.
3. The Inspector of Police,
Vikrapandiyam Police Station,
Thiruvarur District.
(Cr.No.62 of 2015)
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.16934 OF 2021

LN(CO)
PBS/22/09/2021