



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.17043 of 2021

Balaji

... Petitioner

Versus

Inspector of Police,
Kanathur Police Station,
Kancheepuram District

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, permit the petitioner to surrender and file a petition to recall warrant dated 28.06.2017 under Section 70(2) of Cr.P.C., before the Additional District Court, Chengalpattu, Kancheepuram in S.C.No.154 of 2010 pending against him and direct the learned Judge to consider the same liberally on the same.

For Petitioner : Mr. D. Murugan

For Respondents : Mr.A. Damodaran,
Additional Public Prosecutor

ORDER

This criminal Original Petition has been filed to permit the petitioner to surrender before the Additional District Court, Chengalpattu in S.C.No.154 of 2010 and to recall the warrant dated 28.06.2017.

2. The learned counsel for the petitioner would submit that the petitioner is the accused in S.C.No.154 of 2010 pending on the file of the Additional District Court, Chengalpattu. The petitioner is an alcoholic and in the year 2008, the alleged



occurrence taken place . Thereafter, in the year 2010, charge sheet filed and taken on file as S.C.No.154 of 2010. The petitioner was represented by his counsel regularly before the Trial Court. On 28.06.2017, the Trial Court issued NBW against the petitioner. The petitioner was very much available in his residence and he was taking treatment for alcoholism. Due to the closure of wine shop during Covid-19 pandemic period, the petitioner came out of his habits and now, he is free from alcohol addiction. He would further submit that he shall appear before the Trial Court in all further hearing dates and co-operate for the case to be concluded within a stipulated period.

3. The learned Additional Public Prosecutor would submit that 13 witnesses were examined in this case. If the petitioner co-operates by not adopting any dilatory tactics and cross examine the witnesses then and there, the Trial can be completed within a period of four months, which is only an outer period.

4. At this stage, the learned counsel for the petitioner would submit that the petitioner is ready and willing to file an affidavit before the Trial Court by giving undertaking that he shall appear before the Trial Court on all hearing dates and he will not be a reason for delay of the Trial.

5. Considering the submissions, this Court directs the petitioner to file a petition to recall NBW along with affidavit of undertaking. Thereafter, the Trial Court to pass appropriate orders, on its own merits. In the event of recall of NBW, the Trial Court to conclude the trial within a period of four months from the date of receipt of recall of NBW.

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

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mrp



To

1. Inspector of Police,
Kanathur Police Station,
Kancheepuram District

2. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.D.Murugan, Advocate, S.R.No.50044

CRL.O.P.No.17043 of 2021

SSD(CO)
BVC(22/10/2021)