



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.20525 of 2021

Prabhu @ Mohanraj

... Petitioner

Versus

State represented by
The Inspector of Police
H-2, Guduvanchery Police Station
Chengalpattu District.
Crime No.396 of 2013.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Additional District Judge, Chengalpattu to consider the petitioner's petition in S.C.No.88 of 2014 to recall the Non-Bailable Warrant issued against this petitioner on 09.02.2021 on the same day.

For Petitioner : Mr.N.Ganeshmurthy

For Respondent : Mr. E.Raj Thilak,

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the Additional District Judge, Chengalpattu to consider the petitioner's petition in S.C.No.88 of 2014 to recall the Non-Bailable Warrant issued against this petitioner on 09.02.2021 on the same day.

2. The petitioner, who is the second accused in S.C.No.88 of 2014, has filed this petition seeking to recall the Non-Bailable Warrant issued against the petitioner on 09.02.2021.

3. The grievance of the petitioner is that he was not served with the summons and hence, he was not aware about the hearing date. Now, it is informed to him that a Non-Bailable Warrant is issued against him and the respondent Police are taking steps to secure him. The petitioner now undertakes to



appear before the respondent Police and co-operate with the trial and he may not be the reason for any further delay. Hence, he prayed to recall the Non-Bailable Warrant.

4. The learned Additional Public Prosecutor submitted that there are five accused in this case. A1 and A2 are facing trial before the Sessions Court. Since A3 to A5 are Juvenile, the case was split up against them and proceeded separately. There are 18 witnesses in this case. He further submitted that the petitioner was arrested and later granted bail on 29.07.2013. Thereafter, the summons were taken, but he was not available in the address. Later, it came to know that the petitioner is evading the service of summons and using the dilatory tactics. From the year 2014, the petitioner has been failed to appear before the trial Court and the Sessions Court case is kept pending without any progress. Thereafter, the Non-Bailable Warrant was issued by the trial Court on 09.02.2021. A1 is properly appearing for trial. However, the petitioner fails to co-operate with the trial and following dilatory tactics, which cannot be accepted.

5. Considering the submissions and perused the materials, the petitioner shall appear before the trial Court regularly and Non-Bailable Warrant shall be recalled within a period of one week from the date of receipt of a copy of this order. Thereafter, the petitioner shall co-operate with the trial without causing any further delay. Further, the petitioner is directed to appear before the trial Court at every Monday without fail, till the completion of the trial.

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

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

dna

To

1.The Additional District Judge, Chengalpattu.



2.The Inspector of Police
H-2, Guduvanchery Police Station
Chengalpattu District.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.N.Ganeshmurthy, Advocate SR.No.60579

Crl.O.P.No.20525 of 2021

BP(CO)
CB(20/12/2021)