



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.21991 of 2021

1. K.T.Govinda Menon
2. N.Rangaswamy
3. V.Ishwaraya

...Petitioners

Versus

The Inspector of Police,
Central Crime Branch EDF-1, Team-1,
Vepery
Chennai 7
(Cr.No.500 of 2012)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to recall the Non bailable warrant dated 08.09.2021 issued against the petitioner's/Accused in C.C.No.12 of 2019 on the file of the learned Judicial Magistrate Judge-1 at Poonamalee on the same day.

For Petitioner	:	Mr.S.Senthilvel
For Respondents	:	Mr.R.Vinothraja Government Advocate(crl.side)

O R D E R

This petition has been filed by the petitioners/accused to recall the Non bailable warrant dated 08.09.2021 issued against the petitioners/Accused in C.C.No.12 of 2019 on the file of the learned Judicial Magistrate Judge-1 at Poonamalee on the same day.

2. The contention of the learned counsel appearing for the petitioners is that the first petitioner belongs to the State of Kerala, the second petitioner is a practicing advocate and third petitioner belongs to Karnataka, Bangalore city and due to pandemic situation the petitioners were unable to appear before the trial court for hearing and hence a non bailable warrant has been issued against them on 08.09.2021



and therefore filed this petition seeking to recall the Non
Bailable warrant.

3. The learned Government Advocate (Crl.side) submitted that there are totally 20 accused in this case, out of them only five are appearing before the trial Court and NBW is pending against fifteen accused, the petitioners are inventing reasons for absenting themselves. He further submitted that though the charge sheet filed as early as in the year 2019, there is no progress for the past two years . He further submitted that the petitioners are adopting dilatory tactics for not appearing before the Lower Court.

4. The learned counsel appearing for the petitioners on instructions submitted that the petitioners shall not be reason for any delay of the Trial, shall appear before the Trial Court on all hearing dates in person or through counsel without fail and will co-operate, for speedy disposal of the case, file an affidavit to that effect before the trial Court.

5. In view of the submissions made by learned counsel appearing on either side, the petition under Section 70 (2) of Cr.P.C. to recall Non Bailable Warrant to be filed along with an affidavit to the effect that they will not delay the trial and will appear on hearing dates, either personally or through counsel on the date directed by the Trial Court, on such filing of recall petition along with affidavit, the trial court to recall the Non Bailable Warrant pending against them. It is made clear that the accused shall cross examine the witness then and there and will not be the reason for any delay of proceedings and co-operate for the speedy disposal of the case.

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

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

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To

1.The Judicial Magistrate Judge-1,
Poonamalee.

2.-do-through The Chief Judicial Magistrate,
Tiruvallur District.



3.The Inspector of Police,
Central Crime Branch EDF-1, Team-1,
Vepery
Chennai 7.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Senthilvel, Advocate SR. No.62313

Crl.O.P.No.21991 of 2021

PL (CO)
PR (15/12/2021)