



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.24986 of 2021

J.Satheesh kumar

...Petitioner

Versus

The State
Represented by the Inspector of Police
Central Crime Branch
Salem.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to recall the non-bailable warrant dated 20.11.2015 issued already by the Chief Judicial Magistrate, Salem, in C.C.No.121 of 2005.

For Petitioner : M/s.V.Saratha Devi

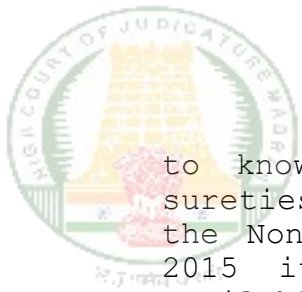
For Respondent : Mr.Raj Thilak
Additional Public Prosecutor

O R D E R

This petition has been filed to recall the non-bailable warrant dated 20.11.2015 issued already by the Chief Judicial Magistrate, Salem, in C.C.No.121 of 2005.

2. The petitioner/A3 in C.C.No.121 of 2005, against whom NBW has been issued on 20.11.2015, filed this petition to recall the Non-Bailable Warrant.

3. The contention of the petitioner is that the petitioner was not named accused in the First Information Report. Thereafter, in the charge sheet only, he has been been arrayed as accused. Thereafter, the petitioner had executed a bond, he was re-presented by his Counsel. In the meanwhile, some of the accused had filed the quash application, discharge application and approached this Court. The accused Nos.6 and 7 got discharged and thereafter, the case had been progressed. The petitioner engaged the senior member of the bar as counsel who had passed away. Thereafter, the petitioner was not aware about the progress of the case. Now, the petitioner had come



to know that proceedings have been initiated against the sureties. Thereafter, the petitioner had come to know about the Non-Bailable Warrant against him, which was in the year 2015 itself. He further submits that he was very much available in the said address and he shall appear before the trial Court without fail and he will not be the reason for any delay.

4. The learned Additional Public Prosecutor submits that there are 10 accused in this case, A1 is the Company, A2, A3 and A4 were issued with the Non-Bailable Warrant, A5 is appearing before the Court, A6 and A7 had been quashed, A8 died, A9 and A10 are appearing before this Court. In this case, offence had been committed in the year 2002, charge sheet filed in the year 2005 and the case has been kept pending without progress for the past 16 years. The Non-Bailable Warrant was issued against the petitioner in the year 2015. Thereafter, when steps were taken against the sureties, now, the petitioner is appearing before this Court. He further submits that the petitioner had been wantonly absconding and has not appeared before the trial Court and is not contributing to the proceedings.

5. Considering the submission and on perusal of the materials, it is seen that the petitioner was not aware about the Non-Bailable Warrant in the year 2015. Further, the petitioner had been available in the such address for all days. Pending the Non-Bailable Warrant issued in the year 2015, the respondent Police could have executed the Non-Bailable Warrant and secured the petitioner. Now the petitioner had come before this Court and the case is now posted for enquiry before the trial Court. The petitioner submits that he would appear before the trial Court in all future hearing dates.

6. In view of the same, this Court is inclined to recall the Non-Bailable Warrant issued against the petitioner. The petitioner shall appear before the trial Court and execute a bond for Rs.10,000/- with two sureties for like sum and appear before the trial Court on 1st and 3rd Monday of every month until further orders.

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

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar



To

1.The Chief Judicial Magistrate,
Salem.

2.The Inspector of Police
Central Crime Branch
Salem.

3.The Public Prosecutor
High Court, Madras.

+1cc to M/s.V.Saratha Devi, Advocate SR. No. 69157

Cr1.O.P.No.24986 of 2021

KSM (CO)
PR (06/01/2022)