



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.1344 of 2021

Navas Khan ... Petitioner/Sole Accused
Vs.

State through
The Sub Inspector of Police,
Thirupullani Police Station,
Thirupullani.
Crime No.104 of 2016

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.I, Ramanathapuram, to consider the petition under Section 70(2) of the Code of Criminal Procedure, on the same day in the event of surrender by the petitioner in P.R.C.No.31 of 2019 on the file of the Judicial Magistrate No.I, Ramanathapuram.

For Petitioner : Mr.S.A.S.Alaudeen

For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

Mr.S.A.S.Alaudeen, learned counsel for the petitioner, drew the attention of this Court, to the daily online status report in P.R.C.No.31 of 2019 and contended that the learned Judicial Magistrate No.I, Ramanathapuram, issued a Non Bailable Warrant against the accused, even without serving summons to him and therefore, the learned Judicial Magistrate No.I, Ramanathapuram, should consider his petition under Section 70(2) of the Code of Criminal Procedure, on the same day of filing.

2.In the daily status report, it is seen that the learned Judicial Magistrate No.I, Ramanathapuram, has passed the following order :

"Accused called absent. Accused summon returned as accused are absconded. Hence, issue NBW against the accused. Call on 20.12.2019."



The learned Judicial Magistrate No.I, Ramanathapuram, seems to have issued a Non Bailable Warrant against the accused since the summons were returned on the ground that the accused absconded.

3.In the circumstances, the learned Judicial Magistrate No.I, Ramanathapuram, is directed to consider the petition, that would be filed by the petitioner under Section 70(2) of the Code of Criminal Procedure, on the same day, based on findings and on merits.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note In view of the present lock down : owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.I,
Ramanathapuram,

2.The Sub Inspector of Police,
Thirupullani Police Station,
Thirupullani.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.1344 of 2021
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KM (11.03.2021) 2P 4C