



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.10309 of 2021

Pandi Kannan

... Petitioner/Sole Accused

Vs.

The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai,
Sivagangai District.
(crime No.23/2017)

...Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judge, Mahila Court (Fast Track), Sivagangai in S.C.No.69 of 2014 to recall the warrant and to accept the surrender and release him on bail on the same day.

For Petitioner

: Mr.J.Vishnu

For Respondent

: Mr.R.M.Anbunithi,

Additional Public Prosecutor

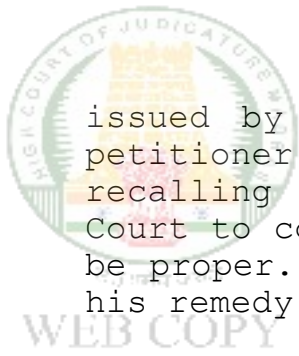
ORDER

This petition is filed to direct the learned Judge, Mahila Court (Fast Track), Sivagangai in S.C.No.69 of 2014 to recall the warrant and to accept the surrender and release him on bail on the same day.

2.The case of the petitioner is that he is facing charge under Sections 304(b) and 498 (A) IPC and he was arrested. Thereafter, he filed a petition in Crl.O.P(MD) No.15975 of 2013, seeking grant of bail and the same was ordered on 19.09.2013 imposing certain conditions. The petitioner was complying with the conditions regularly. On 08.12.2017, due to absence of the petitioner, NBW was issued against him. According to the petitioner, during the relevant time he left to Chennai for the purpose of his job and hence, he was not in a position to appear before the concerned Court. Hence, this petition.

3.When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that because of non-appearance of the petitioner before the concerned Court, NBW was issued. So, there is no question of recall of warrant on the same day.

4.It is seen from the submissions made on either side that due to non-appearance of the petitioner, Non Bailable Warrant was



issued by the Court concerned. The only remedy available to the petitioner is that he has to approach the concerned Court for recalling the warrant. Question of directing the concerned trial Court to consider the recall petition on the same day itself may not be proper. There shall be a direction to the petitioner to work out his remedy before the concerned trial Court.

5. With the above direction, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(11.08.2021) 2P 3C