



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CRL OP (MD) No.14452 of 2021

and CRL MP(MD) Nos.7594 & 7596 of 2021

WEB COPY

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... Petitioner/ Accused No.5

-Vs-

The Inspector of Police,
NIB-CID,
Sivagangai,
Sivagangai District.
(in Crime No.12 of 2020)

... Respondent/Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order of issuance of non bailable warrant without date pending against the petitioner in C.C.No.2 of 2021 on the file of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai.

For Petitioner : Mr.J.Selvam

For Respondent : Mr.K.Sanjai Gandhi

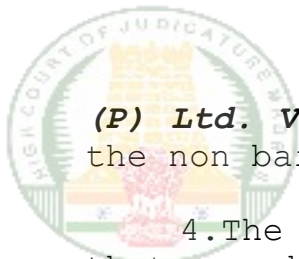
Government Advocate (Crl. side)

O R D E R

This petition has been filed to set aside the order of issuance of non bailable warrant without date pending against the petitioner in C.C.No.2 of 2021 on the file of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai.

2.The learned counsel submitted that the petitioner is the fifth accused in C.C.No.2 of 2021 on the file of the Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai. He filed copy application seeking 'B' diary extract from the concerned Court, but that was dismissed. Against which, a petition has been filed before this Court and based upon the order passed by this Court in that petition, 'B' diary extract was also issued to the petitioner.

3.The grievance of the petitioner is that no summon has been issued to him and without following the mandatory principles as set out in various judgments including the case of ***Inder Mohan Goswami and another vs. State of Uttaranchal and others*** reported in (2007) 12 SCC 1; ***Reghuvansh Dewanchand Bhasin Vs. State of Maharashtra and another*** reported in (2012) 9 SCC 791 and ***M/s.Jeevan Emu Care Indian***



(P) Ltd. Vs. The State of Tamilnadu in Crl.R.C. (MD).No.186 of 2015,
the non bailable warrant has been issued to him.

4.The learned counsel for the petitioner would further submit that on what date the warrant has been issued against him is not known to him. When a non bailable warrant has been issued to the accused, he has to appear before the concerned Court and make his submissions and argue the matters on merit seeking recall of the non bailable warrant. In the final report this petitioner has shown as absconding accused. So Non Bailable Warrant has been issued. He has not filed any anticipatory bail application. Without approaching the concerned Court, the petitioner has come forward with this petition to set aside the non bailable warrant. It may not be proper and appropriate. So the petitioner is directed to approach the concerned Court through appropriate petition seeking recall of warrant that has been issued against him.

5.With this direction, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Additional District and Sessions Judge/Presiding Officer,
Special Court for EC and NDPS Act Cases, Pudukottai.
- 2.The Inspector of Police, NIB-CID, Sivagangai,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP (MD) No.14452 of 2021

27.09.2021

GC(12.10.2021) 2P 4C

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