



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P. (MD) No.12672 of 2021

V.Thayalamani

... Petitioner/Accused No.5

Vs.

The State rep by
The Inspector of Police,
District Crime Branch,
Virudhunagar District.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District to recall the Non Bailable Warrant issued against the petitioner dated 09.08.2021 in CC No.167 of 2016 on its file in Crime No.28 of 2014 on the file of the Inspector of Police, District Crime Branch, Virudhunagar, Virudhunagar District.

For Petitioner	: Mr.S.Palani Velayutham
For Respondent	: Mr.R.M.Anbunithi, Additional Public Prosecutor

O R D E R

This petition has been filed to recall the Non Bailable Warrant issued against the petitioner dated 09.08.2021 in CC No.167 of 2016 on its file in Crime No.28 of 2014 on the file of the Inspector of Police, District Crime Branch, Virudhunagar, Virudhunagar District.

2.The learned counsel for the petitioner would submit that the petitioner is aged about 73 years and now residing at Thiruvalluvar District and he was arrayed as fifth accused in Crime No.28 of 2014. Warrant has been issued by the trial Court due to his non-appearance. The learned counsel would further submit that he was admitted in the Hospital, due to COVID 19 as inpatient. The petitioner also produced the Discharge Summary. It appears that without approaching the trial Court, the petitioner has straightway approached this Court seeking direction to recall the warrant issued against him.

3.Hence, the petitioner is directed to approach the concerned Court I.e the Judicial Magistrate Court No.II, Virudhunagar by filing appropriate petition by enclosing all the medical documents and stating inconvenience that has been faced by him. If such petition is filed, the same shall be considered by the Judicial Magistrate Court No.II, Virudhunagar on merits.



4.With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS I)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Court No.II,
Virudhunagar.
- 2.The Inspector of Police,
District Crime Branch,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RS (16.09.2021) 2P 4C