



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.5902 of 2022

Martin Anandraj

...Petitioner

Vs.

The State rep by:
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

...Respondent

PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to set aside the order dated 08.04.2021 issuing NBW against the petitioner in C.C.No.260 of 2014 pending on the file of the learned Judicial Magistrate, Rasipuram.

For Petitioner	:	Mr.M.Deivanandam
For Respondent	:	Mr.A.Gokulakrishnan, Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking for a direction to set aside the order dated 08.04.2021 issuing NBW against the petitioner in C.C.No.260 of 2014 pending on the file of the learned Judicial Magistrate, Rasipuram.

2. The case of the petitioner is that the petitioner is an accused facing trial in C.C.No.260 of 2014 on the file of the learned Judicial Magistrate, Rasipuram for the offence under Section 420 of IPC. The petitioner due to illness was unable to appear before the Trial Court on 08.04.2021 and he was also unable to communicate his counsel and file application under Section 317 of Cr.P.C. The Trial Court had issued Non Bailable Warrant of arrest. Thereafter, the Courts were frequently closed on account of Covid restrictions. The petitioner was unable to surrender before the Court and recall the Non Bailable Warrant of arrest. Hence, this petition has been filed to set aside the order dated 08.04.2021, issuing Non Bailable Warrant of arrest against the petitioner in C.C.No.260 of 2014 pending on the file of the learned Judicial Magistrate, Rasipuram.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the petitioner did not appear before the Trial



Court on 08.04.2021. There is no application under Section 317 of Cr.P.C was also filed. Thereby, the learned Trial Judge had issued Non Bailable Warrant of arrest against the petitioner. No grounds have been made to set aside the order. However, in the event of petitioner wanting to recall the warrant, he has to surrender before the Trial Court and file petition to recall the Non Bailable Warrant of arrest. He would further submit that the case now stands posted on 11.04.2022 before the trial Court.

4. At this juncture, learned counsel for the petitioner would submit that the petitioner is ready to surrender before the Trial Court and he also undertakes to abide by any conditions.

5. In view of the above, direction is issued to the learned Judicial Magistrate, Rasipuram to consider and pass orders on the recall Petition on the same day of surrender of the Petitioner. The petitioner is directed to surrender and file the application for recall warrant on 11.04.2022 or any other date prior to that. On such application to be filed, the learned Trial Judge shall dispose the application, on the same of surrender.

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

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

shk/sai
To

- 1.The Judicial Magistrate,
Rasipuram.
- 2.The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court of Madras.

+2cc to Mr.M.Deivanandam, Advocate, Sr.No.17672

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PMK (CO)
RN (24/03/2022)