

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.5273 OF 2022

P.Rajesh

...Petitioner / Accused-4

Vs.

State rep by:

The Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District

...Respondent

PRAYER : Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the District Munsif cum Judicial Magistrate, Uthukottai to recall the Non Bailable Warrant against the petitioner in C.C.No.112 of 2007 on 16.11.2012 in Crime No.408 of 2005, on the file of the District Munsif Cum Magistrate, Uthukottai.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the District Munsif cum Judicial Magistrate, Uthukottai to recall the Non Bailable Warrant against the petitioner in C.C.No.112 of 2007 on 16.11.2012 in Crime No.408 of 2005, on the file of the District Munsif Cum Magistrate, Uthukottai.

2. Learned counsel for the petitioner would submit that the petitioner is an accused facing Trial in C.C.No.112 of 2007. The case was originally pending on the file of Judicial Magistrate, Ponneri, Thiruvallur District. Thereafter, the case has been transferred to the file of District Munsiff Cum Magistrate, Uthukottai. Since the petitioner was not aware of the transfer, he was unable to surrender and the learned Magistrate has issued Non Bailable Warrant of arrest on 16.11.2012. Thereby, the present petition has been filed to recall the Non Bailable Warrant against the petitioner in C.C.No.112 of 2007.

3.Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that it is case of the year 2005. The case was originally pending on the file of Judicial Magistrate, Ponneri, Thiruvallur District. Meanwhile due to administrative reasons, the case was transferred to District Munsif Cum Magistrate, Uthukottai. Thereafter, the petitioner has not appeared before the Court and the respondent also not able to serve the summons to the petitioner.

4.In view of the above, the petitioner is directed to surrender before the trial Court and file an application to recall Non Bailable Warrant of arrest, on such application, the trial Court shall consider the same on the same of day of surrendering and dispose the case in accordance with law on the merits of the case.

5.With the above direction, this Criminal Original Petitions stands disposed of.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

shk/sai

To

1.The District Munsif cum Judicial Magistrate,
Uthukottai.

2.The Chief Judicial Magistrate,
Thiruvallur.

3.The Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District

4.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.Thirumaran, Advocate Sr.No.15322

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SR(CO)
RVM(21/03/2022)