



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5143 of 2022

M.Shanmugasundaram,
Proprietor of Bombay Paints,
No.52-A, Othavadai Chetty Street,
Vandavasi,
Tiruvannamalai District - 604 408.

... Petitioner

Vs

M/s.Sujatha Paints,
Represented by its Partner,
M.Subramani,
No.124, T.H.Road,
Tondiarpet, Chennai - 600 081.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Fast Track-IV Metropolitan Magistrate Court, George Town at Chennai to consider the recall petition on the same day on the surrender of the petitioner in respect of the Non-Bailable Warrant (NBW) issued on 04.06.2018 in the above calendar case in C.C.No.2799 of 2017 pending on the file of the Fast Track-IV Metropolitan Magistrate Court, George Town, Chennai.

For Petitioner : Mr.L.Gavaskar

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed, to direct the Fast Track-IV Metropolitan Magistrate Court, George Town at Chennai to consider the recall petition on the same day on the surrender of the petitioner in respect of the Non-Bailable Warrant (NBW) issued on 04.06.2018 in the above calendar case in C.C.No.2799 of 2017 pending on the file of the Fast Track-IV Metropolitan Magistrate Court, George Town, Chennai.



2. Learned counsel for the petitioner would submit that the petitioner is an accused facing Trial in C.C.NO.2799 of 2017 pending on the file of the Fast Track-IV Metropolitan Magistrate Court George Town at Chennai. He would further submit that since the petitioner was suffering from jaundice, he was unable to appear before the Trial Court on 04.06.2018 and thereby, the Trial Court had issued Non-Bailable Warrant of arrest on him. After coming to know about the issuance of the Non-Bailable Warrant and after recovery and pandemic period, the present petition has been filed to direct the Trial Court to consider the application/recall petition for recalling the Non-Bailable Warrant on the same day of appearance.

3. It is a private complaint case and there is no representation on behalf of the respondent. However, it is seen that the Non-Bailable Warrant is pending from 04.06.2018.

4. In view of the above, the petitioner is directed to give advance notice to the respondent and surrender before the Trial Court and the Trial Court is directed to consider the application/recall petition on the same day on the surrender of the petitioner in respect of the Non-Bailable Warrant (NBW) issued on 04.06.2018 taking into consideration the merits of the case.

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

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

shk/arb
To

The Fast Track-IV Metropolitan Magistrate,
George Town, Chennai.

+1cc to Mr.L.Gavaskar, Advocate Sr.15163

Cr1.O.P.No.5143 of 2022

sv[co]
srg 22/03/2022