



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.4754 OF 2022

Vini @ Vinithraj

... Petitioner/
Accused No.2

Vs.

State rep by:
The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai.

S.C.No.120 of 2020

...Respondent/
Complainant

PRAYER:

The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the learned Additional District Judge-III, Poonamalle to recall Non-Bailable Warrant, dated 23.10.2021 against the petitioner in S.C.No.120 of 2020.

For Petitioner : Mr.M.Sathish Kumar

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 the learned Additional District Judge-III, Poonamalle to recall Non-Bailable Warrant, dated 23.10.2021 against the petitioner in S.C.No.120 of 2020.



2. The learned counsel for the petitioner would submit that the petitioner is an accused in S.C.No.120 of 2020, he had been regularly appearing before the Court. Unfortunately, the petitioner was not able to appear before the Court on 23.10.2021. Thereby, the Trial Court had issued Non Bailable Warrant of arrest against the Petitioner. He would further submit that the petitioner had filed Anticipatory Bail in CrI.O.P.No.3639 of 2022 for the Non Bailable Warrant and the same was dismissed as withdrawn on 15.02.2022. Thereby, the present petition has been filed seeking to recall the Non Bailable Warrant of arrest.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the petitioner is an accused in S.C.No.120 of 2022 pending trial on the file of learned Additional District Judge-III, Poonamalle. He would further submit that there are three accused in the case in Crime No.624 of 1999. Since the petitioner had absconded, there is no progress so far and the case is posted for examination of witnesses on 21.03.2022 before the trial Court.

4. In view of the above, direction is issued to the learned Additional District Judge-III, Poonamalle to consider the petition for recalling the Non Bailable warrant on the same day of the petitioner's appearance before the Trial Court. The petitioner shall surrender on or before 21.03.2022. In the event of petitioner's surrendering, the Trial Court shall consider and pass orders on the Petition to recall the Non Bailable Warrant on the same day on its own merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The learned Additional District Judge-III,
Poonamalle



2. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai.
[S.C.No.120 of 2020]

3. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.M.Sathish Kumar, Advocate, S.R.No.14020

Cr1.O.P.No.4754 of 2022

NMI (CO)
PM/10/03/2022