



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.5201 of 2022

Mareswaran @ Mari

... Petitioner

Vs.

State rep by
The Inspector of Police,
T-16, Nasarathpet Police Station,
Thiruvallur District.

... Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order in Crl.M.P.No.5047 of 2021 dated 24.11.2021, passed by the Judicial Magistrate No.I, Poonamalle and direct the Trial Court to recall the warrant against the petitioner issued on 30.09.2021 based on the petition to recall the warrant to be filed by the petitioner.

For Petitioner : Mr.S.Shankar

For Respondent : Mr.V.Meganathan

Government Advocate (criminal side)

ORDER

This Criminal Original Petition has been filed to set aside the order in Crl.M.P.No.5047 of 2021 dated 24.11.2021, passed by the Judicial Magistrate No.I, Poonamalle and direct the Trial Court to recall the warrant against the petitioner issued on 30.09.2021 based on the petition to recall the warrant to be filed by the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner is an accused facing Trial in C.C.No.81 of 2021 on the file of the learned Judicial Magistrate No.I, Poonamalle for the offence under Section 380 of IPC. After receipt of summons, the petitioner had appeared before the Trial Court on 27.07.2021. Thereafter, the case was posted on 30.09.2021. The petitioner went to Bangalore for work, he was not able to return on Chennai on 30.09.2021 due to pandemic restrictions. Thereby, the petitioner was unable to appear before the Court and the Trial Court not satisfied with the said reason had issued Non



Bailable Warrant on 30.09.2021. Thereafter, the petitioner had appeared before the Court and filed an application to recall the warrant. However, the Trial judge stating that no supportive documents has been filed, had rejected the petition on 24.11.2021. Thereby this petition has been filed to set aside the order dated 24.11.2021 passed by the Trial Court in CrI.M.P.No.5047 of 2021.

3.Mr.V.Meganathan, learned Government Advocate (criminal side) would submit that since the case was posted for questioning, learned trial Judge had dismissed the surrendering application. He would further submit that the case stands posted today for the appearance of the petitioner.

4. In view of the above, direction is issued to the petitioner to surrender on the next hearing date or any other day prior to the next hearing date and he shall file an application to recall the warrant. On such application, the learned Trial Judge shall recall the warrant. The petitioner shall also file an affidavit of undertaking that he will appear in person on the date fixed by the learned trial Judge for questioning and that he will cooperate for the progress of trial.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Judicial Magistrate No.I, Poonamalle.

2.The Inspector of Police,
T-16, Nasarathpet Police Station,
Thiruvallur District.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Shankar, Advocate SR.No.15617

CRL.O.P.No.5201 of 2022

PA(CO)

GN(18/03/2022)