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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8331 of 2022

1.A.Nagaraj
2.A.Munusamy

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to recall the Non Bailable Warrant dated 23.01.2021 issued by the learned XVIII Additional Sessions Judge, Chennai against these petitioners/first and second accused.

For Petitioners: Mr.S.Vijayaragavan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to recall the Non Bailable Warrant dated 23.01.2021 issued by the learned XVIII Additional Sessions Judge, Chennai against these petitioners/first and second accused.

2.Learned counsel for the petitioner would submit that the petitioners are accused 1 and 2 in S.C.No.441 of 2013 on the file of the learned XVIII Additional Sessions Judge, Chennai for the offence under Section 294(b), 392, 397, 506(ii) of IPC. The petitioners have regularly appeared before the Trial Court, however, due to Covid, the petitioners were unable to appear before the Court on 23.01.2022 and the learned trial Judge had issued Non Bailable Warrant of arrest against them. The petitioners have filed the application to recall the warrant on 21.03.2022 whereas, the learned Trial Judge had refused to



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receive the recall petition. He would submit that if the petitioners surrender before the Court, there is every possibility of them being remanded to Judicial Custody. Thereby, the present petition has been filed seeking to direct the Trial Judge to recall the Non Bailable Warrant of arrest.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that it is the case of the year 2011, the case was taken up for trial in S.C.No.441/2013. He would submit that there are totally four accused in this case and due to the constant absence of the accused in turns, the trial Court is unable to proceed further. He would further submit that the petitioners are absconding from 23.01.2021. On such circumstances, positive directions cannot be passed to the concerned Court.

4. Heard both sides and perused the materials available on record.

5. In view of the above, direction is issued to the petitioners to surrender before the concerned Court and file the application to recall the warrant. On such application being filed, the learned Trial Judge taking into consideration the merits of the case shall pass an order on the same day of surrender of the petitioners.

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 XVIII Additional Sessions Judge,
Chennai.

2. The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.



3.The Public Prosecutor,
High Court of Madras.

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+2cc to Mr.S.Vijayaragavan, Advocate Sr.25169

Cr1.O.P.No.8331 of 2022

mt[col]
srg 22/04/2022