



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9872 of 2022

Bimal P.Desai

... Petitioner

Vs.

Inspector of Police,
CCB, Unit 16A,
Vepery, Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C.to direct the Hon'ble Land Grabbing No.2 Metropolitan Magistrate Court Judge, Allikulam, Egmore, Chennai to recall non-bailable warrant ordered against the petitioner/accused - 5 on 05/04/2022 by considering the petitioner to recall the NBW to be filed by the petitioner in C.C.No.12 of 2022

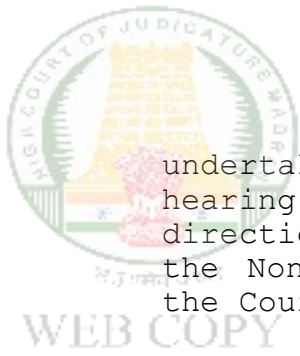
For Petitioner : Mr.M.Arvind Kumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to direct the learned Metropolitan Magistrate, Land Grabbing No.2, Allikulam, Egmore, Chennai to recall Non-Bailable Warrant issued against the petitioner/accused - 5 on 05/04/2022 by considering the petition to recall the NBW to be filed by the petitioner in C.C.No.12 of 2022.

2.The learned counsel appearing for the petitioner would submit that petitioner/A5 is a Senior citizen and facing trial in C.C.No.12 of 2022 on the file of the learned Metropolitan Magistrate, Land Grabbing No.2, Allikulam, Egmore, Chennai for the offences under Sections 419, 465, 467, 468, 471, r/w 120(B) of IPC. The petitioner had received summons to appear before the Court on 05.04.2022. The petitioner had gone to the Court and due to some miscommunication, since the name of the 1st accused have been called to appear before the Court and the petitioner was unable to enter into the Court, thereby, the learned Judge had issued the Non-Bailable Warrant to arrest the petitioner and other two accused and the case was adjourned to 05.05.2020. He would further submit that the petitioner voluntarily



undertakes to appear before the Court on the next date of hearing i.e., on 05.05.2022 without fail. Hence, he seeks that a direction may be issued to the concerned Magistrate to recall the Non-Bailable Warrant on the date of his appearance before the Court concerned.

3.Learned Additional Public Prosecutor appearing for the respondent would submit that the case was already posted for appearance of parties on 05.04.2022. He would further submit that fresh summons are issued to A8.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the entire materials available on record.

5.The petitioner is a senior citizen and on the first date of hearing, due to miscommunication, he was unable to appear before the Court. Now, the petitioner has voluntarily submitted that he would surrender before the Court below to recall the Non-Bailable Warrant. Moreover, fresh summons are awaited on A8. It is also submitted that the next hearing date is fixed as 05.05.2022 before the Court below.

6.In view of the above, a direction is issued to the petitioner to surrender before the Court on 05.05.2022 and file a petition to recall the Non-Bailable Warrant. On such surrender, the learned Magistrate shall consider and pass order.

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

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

vkx/nti

To

1. The Inspector of Police,
CCB, Unit 16A, Veperiy,
Chennai.
- 2.The Hon'ble Land Grabbing No.2
Metropolitan Magistrate Court Judge,
Allikulam, Egmore, Chennai.



3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Aravid Kumar, Advocate, S.R.No.30170

+1cc to Mr.M.Aravid Kumar, Advocate, S.R.No.30170 (02/05/2022)

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SV(CO)
SB(29/04/2022)