



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CrI.O.P. No.13704 of 2022

N.Suresh

... Petitioner

Versus.

S.Balamurugan

... Respondent

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Judicial Magistrate Court at Sankari to receive the petition dated 23.03.2022 filed by the petitioner under Section 70(2) of Cr.P.C. and recall the Non-Bailable Warrant without insisting upon the personal presence of the accused in C.C. No.16 of 2017.

For Petitioner : Mr. B.Sathish Kumar

ORDER

This petition is filed to direct the learned Judicial Magistrate, Sankari to receive the petition dated 23.03.2022 filed by the petitioner under Section 70(2) of Cr.P.C. and recall the Non-Bailable Warrant without insisting upon the personal presence of the accused in C.C. No.16 of 2017.

2. The learned counsel appearing for the petitioner would submit that on 06.03.2020, the petitioner had met with an accident and due to which he was unable to appear before the Judicial Magistrate No.I, Sankari, Salem District, in respect of the case in C.C.No.178 of 2017 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

3. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the Judicial Magistrate No.I, Sankari, Salem, on the next hearing and the concerned learned Magistrate is directed to



consider the petition dated 23.03.2022 filed by the petitioner under Section 70(2) Cr.P.C., on its own merits and in accordance with law and pass orders on the same day.

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

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

bkn

To:

The Judicial Magistrate No.I,
Sankari, Salem.

+1cc to Mr.B.Sathish Kumar, Advocate SR.No.37262

Cr1.O.P.No.13704 of 2022

PA(CO)
CB(06/07/2022)