



Crl.O.P.No.24175 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.24175 of 2022

1.Prakash
2.Amutha
3.Priyanka
4.Karthik

... Petitioners

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Chidambaram,
Crime No.5 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973 to set aside the return docket order dated 06.09.2022 in Crl.M.P.Sr.No.6084 of 2022 in C.C.No.42 of 2021 on the file of the learned Judicial Magistrate No.II, Chidambaram and direct the trial Court to take the petition on the file and pass order on merits.

For petitioners : Mr.J.B.Solomon Peter Kamal Doss

For respondent : Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

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This Criminal Original Petition has been filed to set aside the return docket order dated 06.09.2022 in Crl.M.P.Sr.No.6084 of 2022 in C.C.No.42 of 2021 on the file of the learned Judicial Magistrate No.II, Chidambaram and direct the trial Court to take the petition on the file and pass order on merits.

2. The learned Government Advocate (Crl. Side) for the respondent submitted that, a case in Crime No.5 of 2020 was registered against the petitioners for the offences punishable under Sections 498(A), 506(i) and 406 IPC. After investigation, final report was filed and case was taken on file as C.C.No.42 of 2021 on the file of the Judicial Magistrate No.-II, Chidambaram. He further submitted that since the petitioners failed to appear before the Court, NBW was issued against them and they filed a petition to recall the NBW, without surrendering themselves. Therefore, the said petition was returned by the learned Judicial Magistrate.



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3. A perusal of the records shows that the petitioners herein are the accused persons in C.C.No.42 of 2021 and on account of their absence on 30.08.2022 before the Trial Court, Non Bailable Warrant was issued against them. Therefore, the petitioners filed a petition to recall the NBW, without making their presence before the Trial Court and as such, the petition was returned at the SR stage itself, vide order dated 06.09.2022.

4. The purpose of issuing Non Bailable Warrant is to secure the presence of the accused persons before the Trial Court for the trial proceedings. Without securing the accused, the NBW cannot be recalled and hence, the Trial Court has rightly rejected the claim of the petitioners. Therefore, I do not find any fault on the order passed by the Trial Court and the same does not warrant any interference by this Court.

5. Accordingly, this Criminal Original Petition is dismissed.

10.10.2022

Index:Yes/No
Internet:Yes/No
mst



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To

1.The Inspector of Police,
All Women Police Station,
Chidambaram.

2.The Public Prosecutor,
Madras High Court.



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V.SIVAGNANAM, J.

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