



Crl.O.P.No.24544 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.24544 of 2022

B.Kuppusamy

... Petitioner

Vs

M.Christopher

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to direct the XXI Additional District Sessions Judge, Allikulam, Chennai to consider the Warrant recall petition filed by the petitioner against the Non bailable warrant issued by the XXI Additional District Sessions Judge, Allikulam, Chennai on 20.09.2022 in Crl.A.No.141 of 2021, on the same day.

For Petitioner : Mr.A.T.Anbu Kumar



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ORDER

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This Criminal Original Petition has been filed praying to recall the Non Bailable Warrant issued against the petitioner in Crl.A.No.141 of 2021 on 20.09.2022, by the XXI Additional District Sessions Judge, Allikulam, Chennai, by considering his petition, on the same day.

2. The learned counsel appearing for the petitioner would submit that the petitioner was not able to appear on 20.09.2022 before the XXI Additional District Sessions Judge, Allikulam, Chennai, in respect of case in Crl.A.No.141 of 2021 and hence, non bailable warrant has been issued against him. 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 **learned XXI Additional District Sessions Judge, Allikulam, Chennai**, on the next



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hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On filing of such petition, the concerned **learned Judge** is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

4. With the above direction, this Criminal Original Petition is disposed of. It is made clear that while considering the petition to recall, the Court below shall bear in mind about the period of Non Bailable Warrant and any crime committed while pending Non Bailable Warrant. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

12.10.2022

Internet : Yes/ No
mst

To

1. The XXI Additional District Sessions Judge,
Allikulam, Chennai,
2. The Public Prosecutor
High Court of Madras.



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V.SIVAGNANAM, J

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