



WEB COPY



Crl.O.P.No.25079 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25079 of 2022

K.Ramalingam

... Petitioner

Vs.

1.S.Sathian

2.The Inspector of Police,
Othian Salai Police Station,
Puducherry.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to consider the recall warrant filed under Section 70 (2) of Cr.P.C., and pass orders on the same day and consequently consider the suspension of sentence petition and permit the petitioner to move before the concerned Court.

For Petitioner : Mr.V.S.Ilamvazhudhi
For Respondents : Mr.V.Balamurugane,
Public Prosecutor (Pondicherry)

ORDER

This Criminal Original petition has been filed to consider the recall warrant filed under Section 70 (2) of Cr.P.C., and pass orders on the same day and consequently consider the suspension of sentence petition and permit the petitioner to move before the concerned Court.



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2. The learned counsel appearing for the petitioner would submit that though the petitioner was present on 30.09.2022 before the learned Magistrate II, Puducherry in respect of the case in STC No.876 of 2015, the matter was passed over for argument. Thereafter, the learned Judge on the day itself in the evening session has pronounced the judgment. After pronouncing the judgment, the learned Judge has issued non bailable warrant against the petitioner. Due to which, the petitioner could not able to prefer an appeal against the judgment. He would further submit that now the petitioner is ready to surrender before the Trial Court and undertakes to appear before the Court below regularly on all future hearing dates without fail.

3. I have considered the matter in the light of the submissions made by the learned counsel for the petitioner and perused the materials available on record.

4. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Magistrate II, Puducherry on the next 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,



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the learned Magistrate II, Puducherry is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

5. 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.

17.10.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
shk

Note: Issue order copy on 18.10.2022

To

1. The learned Magistrate II, Puducherry
2. The Inspector of Police,
Othian Salai Police Station,
Puducherry.
3. The Public Prosecutor,
Puducherry.



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V.SIVAGNANAM, J.
shk

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