



Crl.O.P.Nos.27209, 27216, 27214 & 27212 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who are arrayed as A1, A3, A4 and A5 in S.C.Nos.4, 5, 6 and 7 of 2012 apprehend arrest pursuant to the Non-Bailable Warrant issued by the learned Additional District Judge, Mayiladuthurai have filed the present petitions seeking anticipatory bail.

2. The learned counsel for the petitioners would submit that the petitioners who were arrayed as A1, A3, A4 and A5 are facing trial in S.C.Nos. 4, 5, 6 and 7 of 2012 on the file of the learned Additional District Judge, Mayiladuthurai. Originally, the cases were pending on the file of the learned Judicial Magistrate, Mayiladuthurai in C.C.Nos.431, 430, 427 and 362 of 2007. Subsequently, in view of the Section 27(c) of Drugs and Cosmetics Act 1940, the cases were transferred to the file of the District and Sessions Court, Nagapattinam and taken up in S.C.Nos. 4, 5, 6 and 7 of 2012 respectively. The petitioners had filed an application for discharge in all the cases and they came to be dismissed in the year 2012. Thereafter, the petitioners were represented by their counsel before the Sessions Court. Subsequently, the case has been made



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over to the Court of the Additional District Judge, Mayiladuthurai. Due to miscommunication, the counsel for the petitioners did not inform them about the transfer of the cases to the Court of Additional District Judge, Mayiladuthurai. He would further submit that after transferring the cases to the file of the learned Additional District Judge, Mayiladuthurai, the matters were pending and that since the respondent did not take any steps, the learned Judge without verifying whether summons were served on the petitioners or not has straight away issued warrant of arrest against the petitioners. He would further submit that the 1st and 4th petitioners are ladies and that they were under the impression that their advocates were appearing on their behalf before the Court and the non-appearance of the petitioners before the Court is neither intentional nor wanton but had happened due to communication gap. He would further submit that only after the intimation given by the respondent that the warrants were pending, the petitioners came to know about the pendency of the warrants and they have immediately approached this Court seeking for anticipatory bail. He would further submit that the petitioners are ready to surrender and cooperate with the respondent for the speedy



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disposal of trial and seeks for grant of anticipatory bail to the petitioners.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the case is pending from the year 2012. The petitioners had earlier filed an application for discharge and they came to be dismissed during the year 2012. Subsequently, since the petitioners did not appear before the Court of Additional District Judge, Mayiladuthurai, the Court had issued Non-Bailable Warrant. He would further submit that the option available to the petitioners is that they have to surrender before the Court concerned and file an application to re-call the Non-Bailable Warrant issued against them.

4. At this juncture, the learned counsel for the petitioners would submit that the petitioners are undertaking that they will appear before the trial Court on all hearing dates and they are also ready to cooperate for the speedy disposal of the trial.

5. Heard the learned counsel. It is a case where the learned



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Additional District Judge, Mayiladuthurai has issued Non Bailable Warrant against them and thereby the option available to the petitioners is to surrender and file an application to re-call the warrant issued against them.

6. In view of the above, the petitioners are directed to surrender on or before the next hearing date before the Additional District Judge, Mayiladuthurai and to file an application to recall the warrant. The learned Judge is directed to consider the same and pass Orders on the same day of their surrender.

7. It is made clear that while considering the petitions 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 petitions favourably. The learned Judge shall also take steps to complete the trial at the earliest taking into consideration the pendency of case from the year 2012.



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8. These criminal original petitions are disposed of accordingly.

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