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Crl.O.P.No.28814 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.28814 of 2022

S.Sudalai Muthu

...

Petitioner

Vs

1.C.Rameshkumar

2.The State rep.by
Inspector of Police,
Nazreth Police Station,
Tuticorin District.
C.C.No.170 of 2016.

...

Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to consider the recall Non-Bailable Warrant issued on 06.07.2022 in C.C.No.170 of 2016 before the Fast Track Court- I (Magistrate Level) Coimbatore.

For Petitioner : Ms.S.Agalya

For Respondent : Mr.S.Santhosh
No.2 Govt.Advocate (Crl.side)

ORDER

This Criminal Original petition has been filed to direct the Fast Track Court- I (Magistrate Level), Coimbatore to recall the non-bailable warrant issued against the petitioner in C.C.No.170 of 2016 on the date



of surrender before the trial court.

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2. The petitioner is facing trial in C.C.No.170 of 2016 on the file of the Fast Track Court- I (Magistrate Level) Coimbatore, for offence punishable under Sections 138 & 142 of Negotiable Instrument Act and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 06.07.2022.

3. The learned counsel appearing for the petitioner would submit that due to his illness, the petitioner was unable to appear before the learned Fast Track Court 1 (Magistrate Level), Coimbatore in respect of the case in C.C.No.170 of 2016. Hence, non bailable warrant has been issued against the petitioner on 06.07.2022. 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.

4. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned the Fast Track Court- I (Magistrate Level) Coimbatore 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, the concerned learned Magistrate is directed to consider the same on its own merits and in



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accordance with law and pass orders on the same day.

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5.It is made clear that while considering the petition to recall NBW, 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 favorably.

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

28.11.2022

Index: Yes/No
Internet: Yes/No
mrp
To

1.The Inspector of Police,
Nazreth Police Station,
Tuticorin District.

2.The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

mrp



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