



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. (MD) .No.1718 of 2020

WEB COPY

V.K.Gurusamy

... Petitioner/A9

Vs

State through
The Inspector of Police
Annanagar (L&O) Police Station,
Madurai in Crime No.1109/2017

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to pass an order directing the Learned Judicial Magistrate No.6, Madurai to recall the warrant issued against this petitioner on 31.10.2019 in PRC.No.92 of 2018 in connection with Crime No.1109 of 2017 on the file of the respondent in the absence of this petitioner.

For Petitioner : Mr.J.William Christopher
For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Cr1. Side)

O R D E R

This Criminal Original petition has been filed to direct the learned Judicial Magistrate No.6, Madurai to recall the warrant issued against this petitioner on 31.10.2019 in PRC.No.92 of 2018 in connection with Crime No.1109 of 2017 on the file of the respondent in the absence of this petitioner.

2. The learned counsel appearing for the petitioner would submit that on 31.10.2019, due to illness, the petitioner was unable to appear before the learned Judicial Magistrate No.6, Madurai in respect of the case in PRC.No.92 of 2018 and hence, non bailable warrant has been issued against the petitioner. 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 Judicial Magistrate No.6, Madurai 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 in accordance with law and pass orders on the same day.



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

Sd/-

Assistant Registrar (CRL)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

Lm

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.6,
Madurai.
2. The Inspector of Police,
Annanagar (L&O) Police Station,
Madurai,
in Crime No.1109/2017.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

Crl.O.P (MD) No.1718 of 2020
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RJ(CO)
KB(01.03.2022) 2P 4C