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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

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THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P (MD) No.1860 of 2021

Fakrudheen

.. Petitioner/Accused No.2

Vs

State through the,
The Sub-Inspector of Police,
Thirupullani Police Station,
Thirupullani.
(Crime No.153 of 2014).

.. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.I, Ramanathapuram to consider the re-call warrant petition filed by the petitioner on the same day in the event of surrender by the petitioner and to re-call the Non-Bailable Warrant issued in C.C.No.124 of 2019, dated 11.03.2020 on the file of the learned Judicial Magistrate No.I, Ramanathapuram.

For Petitioner : Mr.S.A.S.Alaudeen

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate No.I, Ramanathapuram to consider the re-call warrant petition filed by the petitioner on the same day in the event of surrender by the petitioner and to re-call the Non-Bailable Warrant issued in C.C.No.124 of 2019, dated 11.03.2020 on the file of the learned Judicial Magistrate No.I, Ramanathapuram.

2. The learned counsel appearing for the petitioner would submit that since the petitioner suffered from severe illness, he was unable to appear before the learned Judicial Magistrate No.I, Ramanathapuram, in respect of the case in C.C.No.124 of 2019 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.I, Ramanathapuram, 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(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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.I,
Ramanathapuram.

2.The Sub-Inspector of Police,
Thirupullani Police Station,
Thirupullani.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P (MD) No.1860 of 2021
16.02.2022

TR(04.03.2022) 2P 4C