



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P (MD) No.2691 of 2022

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Kumaresan

... Petitioner

Vs

The State Rep. by
The Inspector of Police
Thuckalay Police Station
Kanyakumari District

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Principal District Judge, Nagercoil, Kanyakumari District to consider the recall warrant petition filed by the petitioner on the same day in connection with S.C. No.339 of 2016 on 12.11.2018

For Petitioner : Mr.F.Deepak

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct the learned Principal District Judge, Nagercoil, Kanyakumari District to recall the non-bailable warrant issued against the petitioner in S.C. No.339 of 2019 on the date of surrender before the trial court.

2. The learned counsel appearing for the petitioner would submit that the petitioner was unable to appear before the learned Principal District Judge, Nagercoil, Kanyakumari District in respect of the case in S.C. No.339 of 2016 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 Principal District Judge, Nagercoil, Kanyakumari District 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 Sessions Judge 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 (AS)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Principal District Judge, Nagercoil, Kanyakumari District.
2. The Inspector of Police
Thuckalay Police Station
Kanyakumari District
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court.

+1 CC to M/s.F.DEEPAK, Advocate (SR-4907[F] dated 09/02/2022)

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RD(18.02.2022) 2P 5C