



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2022

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P (MD) No.2938 of 2022

WEB COPY

Manoj Kumar

.. Petitioner/Accused No.3

Vs

1. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police - Paramakudi,
Paramakudi,
Ramanthapuram District.

2. The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
(Crime No.4 of 2021

... Respondents 1 & 2/
Complainant

3.Packiyam

.. 3rd Respondent/
Defacto complainant

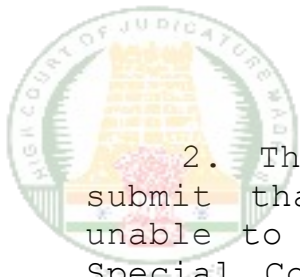
Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the District and Sessions Judge, Special Court for trial of cases registered under SC/ST (P.O.A) Act, 1989, Ramanthapuram, Ramanathapuram District to consider the petitioner's non-bailable warrant recall petition and to recall the non bailable warrant issued against the petitioner on 26.10.2021 by accepting the surrender of the petitioner and grant bail on the date of surrender itself in Special S.C.No.11 of 2021 on the file of the District and Sessions Judge, Special Court for trial of cases registered under SC/ST (P.O.A) Act, 1989, Ramanthapuram, Ramanathapuram District.

For Petitioner	: Mr.D.Balamurugapandi
For RR 1 & 2	: Mr.R.M.Anbunithi
	Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct the learned District and Sessions Judge, Special Court for trial of cases registered under SC/ST (P.O.A) Act, 1989, Ramanthapuram, Ramanathapuram District, to recall the non-bailable warrant issued against the petitioner in Special S.C.No.11 of 2021 on the date of surrender of the petitioner before the trial court.

<https://hcservices.mca.gov.in/hcservices>



2. The learned counsel appearing for the petitioner would submit that since the petitioner suffered leg injury, he was unable to appear before the learned District and Sessions Judge, Special Court for trial of cases registered under SC/ST (P.O.A) Act, 1989, Ramanthapuram, Ramanathapuram District, in respect of the case in Special S.C.No.11 of 2021 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 District and Sessions Judge, Special Court for trial of cases registered under SC/ST (P.O.A) Act, 1989, Ramanthapuram, Ramanathapuram 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 Special 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)

// 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 Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police - Paramakudi,
Paramakudi,
Ramanthapuram District.



2. The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.

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

Crl.O.P (MD) No.2938 of 2022

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USK/23.02.2022/3P/4C