



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

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

CrI.O.P.(MD) No.3227 of 2022

Ashwartheen

...Petitioner/Accused No.3

Vs.

The Inspector of Police
Thirupullani Police Station
Ramanathapuram District

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate No.1, Ramanathapuram to consider the warrant recall petition to be filed by the petitioner u/s.70(2) of Cr.P.C and pass appropriate orders on the same day in connection with C.C.No.33 of 2018 on the file of the learned Judicial Magistrate No.1, Ramanathapuram.

For Petitioner : M/s.Mohan A

For Respondent : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate No.1, Ramanathapuram to consider the warrant recall petition to be filed by the petitioner u/s.70(2) of Cr.P.C and pass appropriate orders on the same day in connection with C.C.No.33 of 2018 on the file of the learned Judicial Magistrate No.1, Ramanathapuram.

2. The learned counsel appearing for the petitioner would submit that since the petitioner went for work in Karnataka he was unable to appear before the learned Judicial Magistrate No.1, Ramanathapuram in respect of the case in CC No.33 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.1, 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 (AD-II)

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Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.1, Ramanathapuram
2. The Inspector of Police
Thirupullani Police Station
Ramanathapuram District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court

Cr1.O.P.(MD) No.3227 of 2022
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KM(CO)

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