



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

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

Cr1.O.P. (MD) No.3304 of 2022

WEB COPY

Dharmaraj

...Petitioner

Vs.

The Inspector of Police
Marthandam Police Station
Kanyakumari District

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to pass an order direct the Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District to recall the Non Bailable warrant issued as against this petitioner on 18.06.2020 in S.T.C.No.316/2020 and further direct the learned Judicial Magistrate to issue summons to the Petitioner.

For Petitioner : M/s.Prabhu K

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, Kuzhithurai, Kanyakumari District to recall the Non Bailable warrant issued as against this petitioner on 18.06.2020 in S.T.C.No.316/2020 and further direct the learned Judicial Magistrate to issue summons to the Petitioner.

2. The learned counsel appearing for the petitioner would submit that petitioner was not aware of the case pending against him hence he was unable to appear before the learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District in respect of the case in STC No. 316 of 2020 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, Kuzhithurai, 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 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(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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

+1 CC to M/s.K.PRABHU, Advocate (SR-6596[F] dated 16/02/2022)

Cr1.O.P. (MD) No.3304 of 2022
16.02.2022

SR(CO)

TR(17.02.2022) 2P 5C