



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.4114 of 2022

WEB COPY

1. Prabhu @ Alaguprabhu
2. Arulpandi
3. Murugan
4. Manikandan
5. Pandimurugan
6. Amarnath

... Petitioners/Accused 1, 4 to 7 & 9
Vs

The State represented by,
The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.378 of 2017)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned III Additional District Sessions Judge(PCR),Madurai to recall the non-bailable warrant pending against the petitioners issued on 17.02.2022 in Spl.S.C.No.107 of 2021 by accepting the petition to be filed by the petitioners under section 70(2) of Cr.P.C on the date of surrendering itself.

For Petitioners : Mr.S.Balaji

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

O R D E R

This Criminal Original petition has been filed to direct the learned III Additional District Sessions Judge(PCR),Madurai to recall the non-bailable warrant pending against the petitioners issued on 17.02.2022 in Spl.S.C.No.107 of 2021 by accepting the petition to be filed by the petitioners under section 70(2) of Cr.P.C on the date of surrendering itself.

2. The learned counsel appearing for the petitioners would submit that the petitioners went for contract work hence they were unable to appear before the learned III Additional District Sessions Judge(PCR),Madurai in respect of the case in SC No.107 of 2021 and hence, non bailable warrant has been issued against the petitioners on 17.02.2022. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners



will appear before the Court below regularly on all future hearing dates without fail.

3. Considering the undertaking given by the learned counsel for the petitioners, the petitioners are directed to appear before the learned III Additional District Sessions Judge(PCR),Madurai on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against them. 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(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. III Additional District Sessions Judge(PCR),Madurai

2. The Inspector of Police,
Othakadai Police Station,
Madurai District.

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

+1 CC to M/s.S.BALAJI, Advocate (SR-9820[F] dated 03/03/2022)

Order made in

CRL.O.P (MD) No.4114 of 2022

03.03.2022

nsn(CO)

TR(16.03.2022) 2P 5C