



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.6078 of 2022

WEB COPY

Mohammed Isam @ Ilaiyaraja
Alias Sivaprakasam

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Ayyampettai Police Station,
Papanasam Taluk,
Thanjavur District.
(Crime No.158 of 2017)

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Principal Sessions Judge to consider the petition to recall the Non-Bailable Warrant, dated 25.09.2018, issued by the Principal Sessions Judge, Thanjavur in S.C.No.137 of 2017 on the same day.

For Petitioner : Mr.R.Thangamani

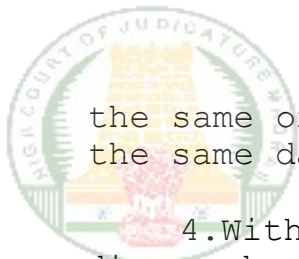
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed to direct the Principal Sessions Judge to consider the petition to recall the Non-Bailable Warrant, dated 25.09.2018, issued by the Principal Sessions Judge, Thanjavur in S.C.No.137 of 2017 on the same day.

2.The learned counsel appearing for the petitioner would submit that due to illness and COVID-19 Pandemic period, the petitioner was unable to appear before the Principal District Court, Thanjavur from 25.09.2018. Further, the petitioner is ready to surrender before the Principal Sessions and District Court, Thanjavur and also ready to abide any condition and furnish substantial sureties to the satisfaction of this Court.

3.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Principal Sessions Judge, Thanjavur 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 Principal 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. It is made clear that while considering the petition to recall, the Court below shall bear in mind about the period of Non Bailable Warrant and any crime committed while pending Non Bailable Warrant. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To:

- 1.The Principal District & Sessions Judge,
Thanjavur
- 2.The Inspector of Police,
Ayyampettai Police Station,
Papanasam Taluk,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Date:01.04.2022

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