



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.4481 of 2022

R.Siva

... Petitioner

Vs.

The Inspector of Police,
All Woman Police Station,
Pudukottai,
Thoothukudi District.
(Crime No.01 of 2016)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned Sessions Judge, Mahila Court, Thoothukudi District to recall the Non Bailable Warrant, dated 26.11.2021 issued against the petitioner in S.C.No.51 of 2020 on the file of the learned Sessions Judge, Mahila Court, Thoothukudi, on the same day of filing a petition filed under Section 70(2) Cr.P.C without insisting for the presence of the petitioner.

For Petitioner

: Mr.M.Maran

For Respondent

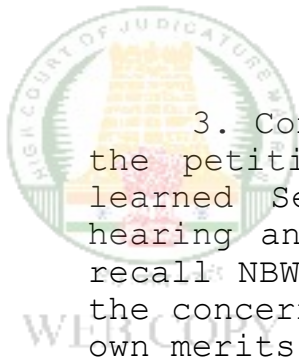
: Mr.R.M.Anbunithi

Additional Public Prosecutor
(Crl.Side)

ORDER

This Criminal Original petition has been filed to direct the learned Sessions Judge, Mahila Court, Thoothukudi District to recall the Non Bailable Warrant, dated 26.11.2021 issued against the petitioner in S.C.No.51 of 2020 on the file of the learned Sessions Judge, Mahila Court, Thoothukudi, on the same day of filing a petition filed under Section 70(2) Cr.P.C.

2. The learned counsel appearing for the petitioner would submit that since the petitioner is working in BSF, and he was unable to appear before the learned Sessions Judge, Mahila Court, Thoothukudi, in respect of the case in S.C.No.51 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 Sessions Judge, Mahila Court, Thoothukudi, 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 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 (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 learned Sessions Judge,
Mahila Court,
Thoothukudi District.
- 2.All Woman Police Station,
Pudukottai,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.MARAN, Advocate (SR-10742[F] dated 09/03/2022)

Crl.O.P(MD)No.4481 of 2022
09.03.2022

IMS (CO)
KB(17.03.2022) 2P 5C