



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.4557 of 2022

1. Rathinavel
2. Viswanathan

... Petitioners/
Accused Nos.1 & 2

Vs.

The State represented by
The Inspector of Police,
Thathondrimalai Police Station,
Karur District.
(S.C.No.20 of 2009)

... Respondent/
Complainant

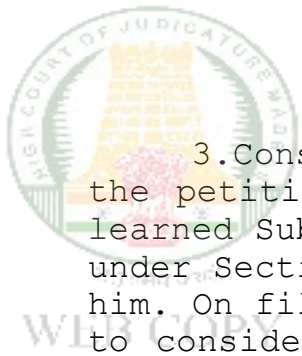
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned Additional Sub Judge, Karur, to consider the petition to recall the Non Bailable Warrant issued as against these petitioners in S.C.No.20 of 2009 dated 18.02.2013 on the same day.

For Petitioners	:	Mr.G.Prabhu Rajadurai
For Respondent	:	Mr.R.M.Anbunithi
		Additional Public Prosecutor
		(Criminal Side)

ORDER

This Criminal Original petition has been filed to direct the learned Additional Sub Judge, Karur, to consider the petition to recall the Non Bailable Warrant issued as against these petitioners in S.C No.20 of 2009 dated 18.02.2013 on the same day.

2.The learned counsel appearing for the petitioners would submit that since the defacto complainant is a practicing advocate and on his instigation, other advocates protested against the petitioners in the Court premises, and the petitioners was unable to appear before the learned Sub Judge, Karur, in respect of the case in S.C No.20 of 2009 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners 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 petitioners, the petitioners are directed to appear before the learned Sub Judge, Karur, 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 Sub 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 (Writs)

// 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 Additional Subordinate Judge,
Karur.
- 2.The Inspector of Police,
Thathondrimalai Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-11446[F] dated 11/03/2022)

Cr1.O.P(MD)No.4557 of 2022
10.03.2022

RK(23/03/2022) 2P 5C