



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.03.2022
CORAM:
THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**
Crl.O.P.(MD) No.5270 of 2022

WEB COPY

Ramesh

...Petitioner/24th Accused

Vs.

The State represented by its
The Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.
(Crime No.231 of 2007)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Additional District Court (FTC), Paramakudi to consider the Recall petition, to be filed by the petitioner for recalling the Non-Bailable Warrant dated 20.09.2019 issued as against the petitioner in S.C.No.129/2018 on the file of the learned Additional District Court (FTC), Paramakudi on the very same date of the filing of above recall petition and to release the petitioner on bail on the very same day itself.

For Petitioner : Mr.M.S.Jeyakarthik

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

ORDER

This Criminal Original petition has been filed to direct the learned Additional District Court (FTC), Paramakudi to recall the non-bailable warrant issued against the petitioner in SC No.129 of 2018 on the date of surrender before the trial court.

2. The learned counsel appearing for the petitioner would submit that since the petitioner went abroad he was unable to appear before the learned Additional District Court (FTC), Paramakudi in respect of the case in S.C.No.129 of 2018 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 Additional District Court (FTC), Paramakudi 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 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 (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Additional District Judge (FTC), Paramakudi
2. The Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-13655[F] dated
23/03/2022)

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MGJ(30.03.2022) 2P 5C