



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) No.8356 of 2022

A.Babu @ Rathinavel Pandian

... Petitioner

Vs.

State Rep. by its
The Inspector of Police,
CBCID, Thanjavur District.
In Crime No.2 of 2015

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records in connection with Cr.M.P.No.1126 of 2021 in P.R.C.No.21 of 2015 dated 23.07.2021 on the file of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District and set aside the same as illegal.

For Petitioner : Mr.M.Seenisulthan
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed call for the entire records in connection with Cr.M.P.No.1126 of 2021 in P.R.C.No.21 of 2015 dated 23.07.2021 on the file of the Learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District and set aside the same as illegal

2.The learned counsel appearing for the petitioner would submit that due to covid-19 the petitioner was unable to appear before the learned Judicial Magistrate, Thiruvaiyaru in respect of the case in PRC No. 21 of 2015 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 Judicial Magistrate, Thiruvaiyaru 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 Magistrate 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.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate,
Thiruvaiyaru, Thanjavur District.

2.The Inspector of Police,
CBCID, Thanjavur District.

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

+1 CC to M/s.M.SEENISULTHAN, Advocate (SR-23276[F] dated 04/05/2022)

Cr1.O.P.(MD) No.8356 of 2022

29.04.2022

RS/18.05.2022/2P/5C