



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.5853 of 2022

Subramani @ Balasubramani ... Petitioner/Sole Accused

Vs.

1.State represented by
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.18 of 2017) ... 1st Respondent/Complainant

2.Karuppayee ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Special Judge for POCSO Act Cases, Thoothukudi to consider the warrant recall application of the petitioner on the same day in Spl.S.C.No.157 of 2019 on the file of the Special Judge for POCSO Act Cases, Thoothukudi.

For Petitioner : Mr.M.Prabu
For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed to direct the Special Judge for POCSO Act Cases, Thoothukudi to consider the warrant recall application of the petitioner on the same day in Spl.S.C.No.157 of 2019 on the file of the Special Judge for POCSO Act Cases, Thoothukudi.

2. The learned counsel appearing for the petitioner would submit that on 11.10.2021, due to illness, the petitioner was unable to appear before the Special Judge for POCSO Act Cases, Thoothukudi in respect of the case in Spl.S.C.No.157 of 2019 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



Special Judge for POCSO Act Cases, 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 learned Magistrate is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

WEB COPY

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 (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Special Judge for POCSO Act Cases,
Thoothukudi.
- 2.The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.PRABU, Advocate (SR-15473[F] dated 30/03/2022)

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kg (CO)

GC(07.04.2022) 2P 5C

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