



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.6335 of 2022

Surendar

...Petitioner/ Accused -3

Vs.

1. State rep by

The Inspector of Police,
Medical College Police Station,
Thanjavur,
Thanjavur District.
(Crime No.43 of 2004)

... Respondent-1/ Complainant

2.Subramanian

...Respondent-2/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Learned Judicial Magistrate No.II, Thanjavur to consider the warrant recall application of the petitioner on the same day in C.C.No.421 of 2010 on the file of the Learned Judicial Magistrate No.II, Thanjavur.

For Petitioner : Mr.A.Arun Prasad

For Respondent : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate No.II, Thanjavur to consider the warrant recall application of the petitioner on the same day in C.C.No.421 of 2010 on the file of the learned Judicial Magistrate No.II, Thanjavur.

2. The learned counsel appearing for the petitioner would submit that since the petitioner was not aware of the warrant pending in respect of the case in C.C.No.421 of 2010 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 No.II, Thanjavur 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.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.II, Thanjavur
2. The Inspector of Police,
Medical College Police Station,
Thanjavur,
Thanjavur District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD) No.6335 of 2022
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RD(13.04.2022) 2P 4C