



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

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WEB COPY

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

**Cr1.O.P (MD) No.5921 of 2021**

Alagu @ Ramachandran

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
Karaikudi South Police Station,  
Sivagangai District.

... Respondent/Complainant

**Prayer:** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate to accept the re-call petition of the petitioner for re-calling the Non-Bailable Warrant against the petitioner in C.C.No.223 of 2018 on the file of the Fast Track Court, Magistrate Level, Karaikudi.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.B.Thanga Aravindh  
Government Advocate (Criminal Side)

**ORDER**

This Criminal Original petition has been filed to direct the learned Judicial Magistrate to accept the re-call petition of the petitioner for re-calling the Non-Bailable Warrant against the petitioner in C.C.No.223 of 2018 on the file of the Fast Track Court, Magistrate Level, Karaikudi.

2. The learned counsel appearing for the petitioner would submit that though the learned Judicial Magistrate issued NBW against the petitioner on 21.06.2016 for his non-appearance on the said date, without knowing the same, the petitioner went to Chennai for his job. Hence, he was unable to appear before the Fast Track Court, Magistrate Level, Karaikudi, in respect of the case in C.C.No.223 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 Fast Track Court, Magistrate Level, Karaikudi, 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.

Sd/-  
Assistant Registrar(AS)

// True Copy //

/ /2022  
Sub Assistant Registrar

ps

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 Magistrate,  
The Fast Track Court,  
Magistrate Level, Karaikudi.  
Sivagangai District.
- 2.The Inspector of Police,  
Karaikudi South Police Station,  
Sivagangai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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