



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.7124 of 2022

Veeramani

... Petitioner/Sole Accused

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.45/2015)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate, Theni, to accept the surrender of the petitioner pertaining to non bailable warrant, dated 25.03.2022 and recall the same in relating to C.C.No.45 of 2022 on the file of the learned Judicial Magistrate, Theni.

For Petitioner : Mr.S.Mahendrapathy

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

ORDER

This Criminal Original Petition has been filed seeking direction to direct the learned Judicial Magistrate, Theni to accept the surrender of the petitioner pertaining to non bailable warrant , dated 25.03.2022 and recall the same in relating to C.C.No. 45 of 2022 on the file of the learned Judicial Magistrate, Theni.

2. The learned counsel appearing for the petitioner would submit that since the petitioner did not receive summons he was unable to appear before the learned Judicial Magistrate, Theni in respect of the case in C.C.No. 45 of 2022 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, Theni 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(CS.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate,
Theni.
2. The Inspector of Police,
District Crime Branch,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.7124 of 2022

Date:19.04.2022

SA(25.05.2022) 2P 4C