



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.7178 of 2022

Boominathan

...Petitioner/Sole Accused

Vs.

The State represented by  
The Inspector of Police,  
Kombai Police Station,  
Theni District.  
(Crime No.210 of 2018)

...Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate, Bodinayakkanur to consider the recall warrant petition filed by the petitioner herein and pass orders on the same day, if the petitioner surrenders before the said Court in respect of the case in C.C.No.600 of 2018.

For Petitioner : Mr.S.Muthukumar

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, Bodinayakkanur to consider the recall warrant petition filed by the petitioner herein and pass orders on the same day, if the petitioner surrender before the said Court in respect of the case in C.C.No.600 of 2018.

2. The learned counsel appearing for the petitioner would submit that when the petitioner was taking treatment for his head injuries, the respondent police had filed the final report, therefore, he was unable to appear before the learned Judicial Magistrate, Bodinayakkanur in respect of the case in C.C.No.600 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 learned Judicial Magistrate, Bodinayakkanur 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 II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

To

1.The Judicial Magistrate,  
Bodinayakkanur.

2.The Inspector of Police,  
Kombai Police Station,  
Theni District.

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

+1 CC to M/s.S. MUTHUKUMAR, Advocate ( SR-20194[F] dated  
21/04/2022 )

CrI.O.P.(MD) No.7178 of 2022  
19.04.2022

MGJ(25.05.2022) 2P 5C