



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

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

Crl.O.P (MD) No.7349 of 2022

WEB COPY

A.Rethina Thangam

.. Petitioner/Sole Accused
Vs

The State Rep. by
The Inspector of Police
Economic Offences Wing- II
Nagercoil
Kanyakumari District

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Special Judge (TANFID) Madurai to receive the petition filed under Section 70(2) Cr.P.C and recall the NBW without insisting the petitioner to surrender in connection with the CC No.54 of 2008.

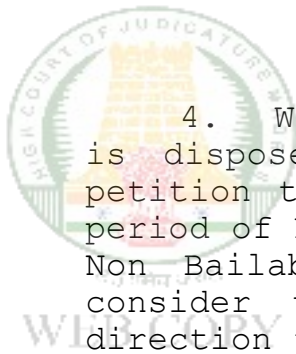
For Petitioner	:Mr.S.Muthukrishnan
For Respondent	:Mr.R.M.Anbunithi
	Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct the learned Special Judge (TANFID) Madurai to recall the non-bailable warrant issued against the petitioner in CC No.54 of 2008 on the date of surrender before the trial court.

2. The learned counsel appearing for the petitioner would submit that since the petitioner was unable to appear before the learned Special Judge (TANFID) Madurai in respect of the case in CC No.54 of 2008 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 Special Judge (TANFID) Madurai 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 (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Special Judge (TANFID)
Madurai.

2.The Inspector of Police
Economic Offences Wing- II
Nagercoil
Kanyakumari District

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

+1 CC to M/s.S. MUTHU KRISHNAN, Advocate (SR-20365[F]
dated 22/04/2022)

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