



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

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

Crl.O.P.(MD) No.7596 of 2022

Muthuvel

...Petitioner

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.7 of 2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to recall the warrant petition under section 70(2) of Cr.P.C on the same day of surrender in C.C No. 55 of 2019 on the file of the Special court for Exclusive Trial of Land Grabbing cases, Madurai.

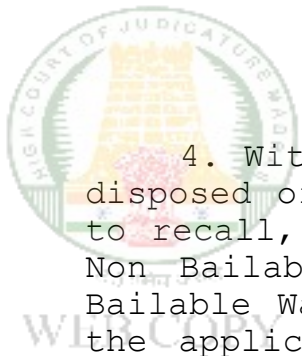
For Petitioner : Mr.S.Sathya Chidambaram
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction to recall the warrant petition under section 70(2) of Cr.P.C on the same day of surrender in C.C No. 55 of 2019 on the file of the Special court for Exclusive Trial of Land Grabbing cases, Madurai.

2. The learned counsel appearing for the petitioner would submit that since the petitioner was unable to appear before the Special court for Exclusive Trial of Land Grabbing cases, Madurai, in respect of the case in C.C No. 55 of 2019 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 Special court for Exclusive Trial of Land Grabbing cases, 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 (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Judge,
The Special court for Exclusive Trial of Land Grabbing cases,
Madurai.
- 2.The Inspector of Police,
District Crime Branch,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD) No.7596 of 2022

25.04.2022

nsn(CO)

GC(26.05.2022) 2P 4C