



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

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

Crl.O.P.(MD) No.7790 of 2022

WEB COPY

A.Roger Koil Pillai

...Petitioner

Vs.

S.Velusamy

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Kovilpatti, to consider the Petition to recall the Non-Bailable warrant issued against the Petitioner on conviction in C.C.No.27 of 2017 before the Fast Track Court (Magisterial Level), Kovilpatti, while the petitioner surrendering before the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Kovilpatti.

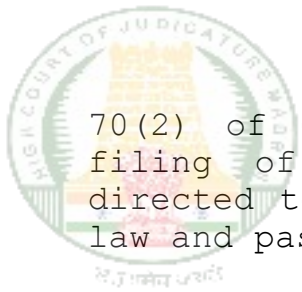
For Petitioner : Mr.N.Pragalathan

ORDER

This Criminal Original Petition has been filed seeking direction to direct the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Kovilpatti, to consider the Petition to recall the Non-Bailable warrant issued against the Petitioner on conviction in C.C.No.27 of 2017 before the Fast Track Court (Magisterial Level), Kovilpatti, while the petitioner surrendering before the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Kovilpatti.

2. The learned counsel appearing for the petitioner would submit that since the petitioner met with an accident, fell down from his bike and got injuries he was unable to appear before the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Kovilpatti, in respect of the case in C.C.No.27 of 2017 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, Fast Track Court (Magisterial Level), Kovilpatti, 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,
Fast Track Court (Magisterial Level),
Kovilpatti.

+1 CC to M/s.N. PRAGALATHAN, Advocate(SR-21764[F] dated
27/04/2022)

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MGJ(23.05.2022) 2P 3C