



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

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

Crl.O.P.(MD) No.7666 of 2022

WEB COPY

Karuppayi

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Naalatinpudhur Police Station,
Thoothukudi District.
(Crime No.54 of 2014)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned II Additional District Judge, Thoothukudi, to consider the petition to recall the Non Bailable Warrant issued as against this petitioner, on 29.08.2016 in S.C No. 227 of 2015 on the same day of surrender.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the learned II Additional District Judge, Thoothukudi, to consider the petition to recall the Non Bailable Warrant issued as against this petitioner, on 29.08.2016 in S.C No. 227 of 2015 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that since the petitioner went to Mumbai for doing coolie works he was unable to appear before the learned II Additional District Judge, Thoothukudi, in respect of the case in S.C.No. 227 of 2015 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 II Additional District Judge, Thoothukudi, 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. II Additional District Judge,
Thoothukudi.
2. The Inspector of Police,
Naalatinpudhur Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-22236[F] dated 28/04/2022)

Crl.O.P.(MD) No.7666 of 2022

26.04.2022

_RD(18.05.2022) 2P 5C