



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.S.RAMESH**

Crl.O.P.(MD) No.8921 of 2022

Suresh

...Petitioner/Accused No.12

Vs.

The Inspector of Police
Thalayuthu Police Station
Tirunelveli Disrict
(Crime No. 227/2021, P.R.C. No. 137/2021

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate No.III, Tirunelveli to consider the petitioner's warrant recall petition in PRC No. 137 of 2021 on the same day.

For Petitioner : Mr.Bhagavath Singh
For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate No.III, Tirunelveli to recall the non-bailable warrant issued against the petitioner in PRC No.137 of 2021 on the date of surrender before the trial court.

2. The learned counsel appearing for the petitioner would submit that since the petitioner did not know the date of hearing he was unable to appear before the learned Judicial Magistrate No.III, Tirunelveli in respect of the case in PRC No.137 of 2021 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 No.III, Tirunelveli 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/-

Vacation Officer ()

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.III, Tirunelveli

2.The Inspector of Police
Thalayuthu Police Station
Tirunelveli District

Copy to

The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.G. BHAGAVATH SINGH, Advocate (SR-23608[F] dated
10/05/2022)

Cr1.O.P.(MD) No.8921 of 2022
06.05.2022

SJ(CO)
KB(13.05.2022) 2P 5C