



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.05.2022

CORAM

THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

Crl.O.P (MD) No.9008 of 2022

WEB COPY

Premkumar

... Petitioner/ Sole Accused

Vs

The State Rep. by
The Inspector of Police
Uchupuli Police Station,
Ramanathapuram District.
In Crime No.273 of 2008

... Respondent/ Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate Court No.2, Ramanathapuram to accept the surrender and consider the recall warrant petition to be filed by the petitioner in C.C.No.266 of 2008 on the file of the learned Judicial Magistrate Court No.2, Ramanathapuram on the same day on merits.

For Petitioner : Mr.C.Ezhilarasu

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed to direct the learned Judicial Magistrate Court No.2, Ramanathapuram to accept the surrender and consider the recall warrant petition to be filed by the petitioner in C.C.No.266 of 2008 on the file of the learned Judicial Magistrate Court No.2, Ramanathapuram.

2. The learned counsel appearing for the petitioner would submit that since the petitioner has changed his address from Ramanathapuram to Madurai, he was unable to appear before the learned Judicial Magistrate Court No.2, Ramanathapuram in respect of the case in C.C.No.266 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 Judicial Magistrate Court No.2, Ramanathapuram 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 Magistrate shall 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-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsg/vsd

To:

- 1.The Judicial Magistrate Court No.2,
Ramanathapuram.
- 2.The Inspector of Police
Uchupuli Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C. EZHILARASU, Advocate (SR-23632[F] dated 11/05/2022)

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