



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.05.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P(MD)No.9541 of 2022

A.John Jegatheesh

... Petitioner/Accused

Vs.

R.Sheik Mohammed

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records dated 18.03.2022 passed in S.T.C.No.165 of 2019 on the file of the Judicial Magistrate No.I, Pudukottai and quash the same.

For Petitioner : Mr.S.C.Herold Singh

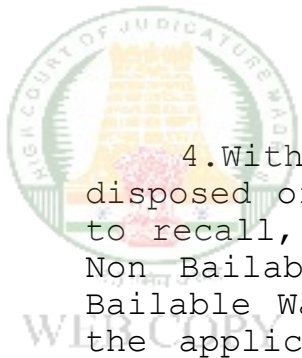
For Respondent : No appearance

ORDER

This Criminal Original petition has been filed to call for the records dated 18.03.2022 passed in S.T.C.No.165 of 2019 on the file of the Judicial Magistrate No.I, Pudukottai and quash the same.

2. The learned counsel appearing for the petitioner would submit that the petitioner was not aware of the stage of the case and he was unable to appear before the learned Magistrate No.I, Pudukottai in respect of the case in S.T.C.No. 165 of 2019 and hence, non bailable warrant has been issued against the petitioner on 18.03.2022. 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 Magistrate No.I, Pudukottai 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/-

Vacational Officer/
Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The learned Judicial Magistrate No.I,
Pudukottai.

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19.05.2022

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