



CRL.O.P (MD) No.11308 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11308 of 2022

1.K.Rajiv

2.K.Ramprasad @ Ram

... Petitioners/Accused Nos.1 & 2

Vs.

State Rep. by

The Inspector of Police,

Courtallam Police Station,

Courtallam,

Tenkasi District.

(In Cr.No.400 of 2020)

...Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue direction, directing the District Munsif cum Judicial Magistrate, Shenkottah, to recall the Non Bailable Warrant issued against the petitioners on 13.06.2022 in connection with S.T.C.No.1310 of 2021 without insisting upon the personal presence of the petitioners within the time stipulated by this Court and for other reliefs.

For Petitioners : Mr.J.Lawrence

For Respondent : Mr.R.Sureshkumar

Government Advocate (Crl.Side)



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## **ORDER**

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This petition is filed to direct the the District Munsif cum Judicial Magistrate, Shenkottah, to recall the Non Bailable Warrant issued against the petitioners on 13.06.2022 in S.T.C.No.1310 of 2021.

2.The learned counsel for the petitioners submitted that while issuing Non Bailable Warrant against the petitioners on 13.06.2022, the learned Judicial Magistrate has failed to consider that the petitioners have not been served upon a summon. If the summon is properly served upon the petitioners by the respondent police, they would have appeared before the learned Judicial Magistrate on 13.06.2022. But, without advertng to the same, to enforce the attendance of the petitioners, the learned Judicial Magistrate has issued Non Bailable Warrant against them and the same was also entrusted to the respondent police to execute it. He further submitted that a direction may be issued to the trial Court to consider and dispose of the surrender application of the petitioners on the same day, when they surrender.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) appearing for the first respondent.



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4. Accepting the submission of the learned counsel for the petitioners, the petitioners are directed to surrender before the learned District Munsif cum Judicial Magistrate, Shenkottah, to recall Non Bailable Warrant already issued against them. On surrendering of the petitioners before the trial Court, the learned trial Judge, is hereby directed to consider the same on its own merits in accordance with law and pass orders on the same day.

5. With the above direction, this Criminal Original Petition is disposed of.

24.06.2022

Internet: Yes./No

Index: Yes/no

vsd

To

1.The District Munsif cum Judicial Magistrate,  
Shenkottah.

2.The Inspector of Police,  
Courtallam Police Station,  
Courtallam,  
Tenkasi District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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V.SIVAGNANAM, J.

vsd

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