



Crl.O.P.(MD) No.11636 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.11636 of 2022

1. T.M.Suresh,

2. T.Muthukrishnan,

: Petitioners

Vs

The Sub Inspector of Police,
All Woman Police Station,
Srirangam,
Trichy-6, Trichy District.
Crime.No.04 of 2019.

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the learned Judicial Magistrate, Additional Mahila Court, Trichy, to consider the petitioners' application for recall of warrant on the same day in C.C.No. 1496 of 2019 on the file of the learned Judicial Magistrate, Additional mahila court, Trichy.



Crl.O.P.(MD) No.11636 of 2022

For petitioners : M/s.Sundar R,
For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate, Additional Mahila Court, Trichy, to consider the petitioners' application for recall of warrant on the same day in C.C.No. 1496 of 2019, on the file of the learned Judicial Magistrate, Additional mahila court, Trichy.

2.The learned counsel appearing for the petitioners would submit that due to agricultural activities, the petitioners were unable to appear before the learned Judicial Magistrate, Additional Mahila Court, Trichy in respect of the case in C.C No. 1496 of 2019 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners shall appear before the Court below regularly on all future hearing dates without fail.



Crl.O.P.(MD) No.11636 of 2022

3.Considering the undertaking given by the learned counsel for the petitioners, the petitioners are directed to appear before the learned Judicial Magistrate, Additional Mahila Court, Trichy, on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against them. 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.

30.06.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
lr



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Crl.O.P.(MD) No.11636 of 2022

V.SIVAGNANAM, J.

lr

To

1. The Judicial Magistrate,
Additional Mahila Court,
Trichy.

2.The Sub Inspector of Police,
All Woman Police Station,
Srirangam,
Trichy-6, Trichy District.

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

Crl.O.P.(MD) No.11636 of 2022

30.06.2022