



Crl.O.P.(MD) No.11567 of

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11567 of 2022

Pratheep

... Petitioner

Vs

The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Principal District and Sessions Court, Kanyakumari at Nagercoil to recall the Non Bailable Warrant issued against the petitioner on 26.06.2019 in connection with S.C.No.40 of 2022 without insisting the personal presence of the petitioner.

For Petitioner : Mr.B.Brijesh Kishore
For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original petition has been filed to direct the Principal District and Sessions Court, Kanyakumari at Nagercoil to recall the Non Bailable Warrant issued against the petitioner on 26.06.2019 in



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connection with S.C.No.40 of 2022 without insisting the personal presence of the petitioner.

2.The learned counsel appearing for the petitioner would submit that since the petitioner was affected by Covid-19 pandemic and put to bed ridden for several months, he was unable to appear before the Principal District and Sessions Court, Kanyakumari in respect of the case in S.C.No. 40 of 2022 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 Principal District and Sessions Court, Kanyakumari 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 Principal District and Sessions Court, Kanyakumari is directed to consider the same on its own merits in accordance with law and pass orders on the same day.



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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.

29.06.2022

Internet: Yes./No

Index: Yes/no

vsg

To

1. The Principal District and Sessions Court, Kanyakumari
2. The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.SIVAGNANAM, J.

vsg

ORDER IN
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