



CrI.O.P.(MD) No.11681 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

CORAM:

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

CrI.O.P.(MD) No.11681 of 2022

R. Prasath,

: Petitioner

Vs

C.Jawahar,

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the District Munsif Cum Judicial Magistrate Court, Kodaikanal, Dindigul District, to recall the Non Bailable Warrant (NBW) issued against the petitioner in S.T.C.No. 606 of 2019, dated 12/05/2022 without insisting the personal presence within the time stipulated by this Court and for other relief.

For Petitioner : M/s. Murugappan R,

ORDER

This Criminal Original petition has been filed to direct the direct the District Munsif Cum Judicial Magistrate Court, Kodaikanal, Dindigul District, to recall the Non Bailable Warrant (NBW) issued against the petitioner in S.T.C.No. 606 of 2019, dated 12/05/2022.



Crl.O.P.(MD) No.11681 of 2022

WEB COPY

2.The learned counsel appearing for the petitioner would submit that since the petitioner is a school teacher, due to his official work, he was unable to appear before the District Munsif Cum Judicial Magistrate Court, Kodaikanal, Dindigul District in respect of the case in S.T.C.No. 606 of 2019 and hence, non bailable warrant has been issued against the petitioner. He would further submit that now the petitioner apprehends about the execution of the non-bailable warrant., which has been issued against him.

3.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the S.T.C.No. 606 of 2019 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



Crl.O.P.(MD) No.11681 of 2022

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

Note:Issue Order Copy on 01.07.2022



WEB COPY



Crl.O.P.(MD) No.11681 of 2022

V.SIVAGNANAM, J.

lr

To

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

Crl.O.P.(MD) No.11681 of 2022

30.06.2022

4/4