



Crl.O.P.(MD) No.12579 of 2022 and batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) Nos.12579 to 12583 of 2022

Vadivel Karuppiah

...Petitioner in all Crl.O.Ps.

Vs.

The State
Rep. by the Inspector of Police,
Aruppukkottai Taluk Police Station,
Virudhunagar District.

.. Respondent in all Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District to accept the petitioner's surrender application and consider his warrant recall petition on the same day on merits in C.C.Nos.193 of 2013, 16 of 2018, 17 of 2018, 21 of 2018 and 23 of 2018 respectively on the file of the respondent Police Station.

For Petitioner in all Crl.O.Ps : Mr. M. Natarajan

For Respondents : Mr.R. Sureshkumar
Government Advocate (Crl. Side)



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ORDER

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These Criminal Original Petitions have been filed to direct the learned Judicial Magistrate, Aruppukottai, Virudhunagar District to accept the petitioner's surrender applications and to consider his warrant recall petitions on the same day on merits in C.C.Nos.193 of 2013, 16 of 2018, 17 of 2018, 21 of 2018 and 23 of 2018 on the file of the respondent Police Station.

2.The learned counsel appearing for the petitioner would submit that due to unavoidable circumstances, he was unable to appear before the learned Judicial Magistrate, Aruppukottai, Virudhunagar District in respect of C.C.Nos.193 of 2013, 16 of 2018, 17 of 2018, 21 of 2018 and 23 of 2018 on the file of the respondent police and hence, non bailable warrants have 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. The learned Additional Public Prosecutor appearing for the respondent police would submit that NBW are pending against the petitioner.



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4. Considering the submission made by the learned counsel for the petitioner, the petitioner is directed to appear before the the learned Judicial Magistrate, Aruppukottai, Virudhunagar District and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On filing of such petitions, the concerned learned Judicial Magistrate, Aruppukottai, Virudhunagar District is 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 Petitions are disposed of. It is made clear that while considering the petitions 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 applications on the same day does not amount to direction to consider the recall petitions favourably.

13.07.2022

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



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To

- 1.The Inspector of Police,
Aruppukkottai Taluk Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

trp

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