



Crl.O.P.(MD) No.12566 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.12566 of 2022

B.C.Biros

...Petitioner

Vs.

The State through
The Inspector of Police,
P.E.W. Police Station,
Melur, Madurai District.
(Crime No.7 of 2014)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Subordinate Judge, Melur, Madurai District to consider the petitioner warrant recall application non bailable warrant dated 03.02.2021, on the same day of surrender in S.C.No.375 of 2015 in Crime No. 7 of 2014 on the file of the respondent police.

For Petitioner : Mr. P. Banu prasath

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



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ORDER

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This Criminal Original Petition has been filed to direct the learned Subordinate Judge, Melur, Madurai District to consider the petitioner's warrant recall application, non-bailable warrant, dated 03.02.2021, on the same day of surrender in S.C.No.375 of 2015 in Crime No.7 of 2014 on the file of the respondent police.

2.The learned counsel appearing for the petitioner would submit that due to Corona Situation, he was unable to appear before the learned Subordinate Judge, Melur, Madurai District in respect of S.C.No.375 of 2015 in Crime No.7 of 2014 on the file of the respondent police 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. The learned Additional Public Prosecutor appearing for the respondent police would submit that NBW is 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 learned Subordinate Judge, Melur, Madurai 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 petition, the concerned learned Subordinate Judge, Melur, Madurai 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 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.

13.07.2022

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

Note: Issue order copy on 14.07.2022

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To

1. The Inspector of Police,
P.E.W.Police Station,
Melur, Madurai 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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