



Crl.O.P.(MD) No.13309 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2022

CORAM:

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

Crl.O.P.(MD) No.13309 of 2022

Suresh @ Suresh Kannan,

: Petitioner

Vs

The State represented by
The Inspector of Police,
CBCID, Sivagangai District.
Crime No.1 of 2014

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the Sessions Judge, Fast Track Mahila Court, Sivagangai to consider the Petition to recall the Non Bailable warrant issued as against this Petitioner on 04.07.2022 in SC.No.47 of 2016, on the same day of surrender.

For Petitioner : M/s.Prabhu K,
For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)



Crl.O.P.(MD) No.13309 of 2022

ORDER

WEB COPY This Criminal Original petition has been filed to direct the learned Sessions Judge, Fast Track Mahila Court, Sivagangai, to consider the Petition to recall the Non Bailable warrant issued as against this Petitioner on 04.07.2022 in SC.No.47 of 2016, on the same day of surrender.

2.The learned counsel appearing for the petitioner would submit that on 04.07.2022, the petitioner was not able to appear before the trial Court due to boycott of the learned counsels. Therefore, he could not file a petition under Section 317 Cr.P.C before the trial Court. Further he submitted that the learned Sessions Judge, Fast Track Mahila Court, Sivagangai, issued Non-Bailable Warrant as against the petitioner herein.

3.The learned Government Advocate (Crl.Side) submitted that the case is posted on 27.07.2022, for further examination of the witnesses.

4.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Sessions Judge, Fast Track Mahila Court, Sivagangai, on the next hearing and to file a



Crl.O.P.(MD) No.13309 of 2022

petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On filing of such petition, the concerned learned Sessions Judge 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.

25.07.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

lr

Note: Issue Order copy on 25.07.2022



WEB COPY



Crl.O.P.(MD) No.13309 of 2022

V.SIVAGNANAM, J.

lr

To

1.The Sessions Judge,
Fast Track Mahila Court,
Sivagangai.

2.The Inspector of Police,
CBCID, Sivagangai District.

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

Crl.O.P.(MD) No.13309 of 2022

25.07.2022