



Crl.O.P.(MD) No.13494 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.13494 of 2022

1. Sakthiswaran

2. K.Suresh

3. Raja

4. Dharmaraj

5. Karthikeyan

... Petitioners

Vs

The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.157 of 2012.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the learned Additional District Judge, Virudhunagar to consider the petition to recall the Non-Bailable warrants issued against these petitioners/A12, A19, A32, A45, and A46 in S.C.No. 98/2014 on the same day of their surrender.

For Petitioners : M/s. A.S.Rajeswari

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the learned Additional District Judge, Virudhunagar to consider the petition to recall the Non-Bailable warrants issued against these petitioners/A12, A19, A32, A45, and A46 in S.C.No. 98/2014 on the same day of their surrender.

2.The learned counsel appearing for the petitioners would submit that due to unavoidable and unforeseen circumstances, the petitioners were unable to appear before the trial Court, in respect of the case in S.C.No.98 of 2014 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners 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 petitioners, the petitioners are directed to appear before the learned Additional District Judge, Virudhunagar on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against



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them. On filing of such petition, the concerned learned Additional District Judge, Virudhunagar 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 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.

27.07.2022

Internet: Yes

Index: Yes

PNM

Note: **Issue order copy on 27.07.2022.**



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To

1.The Additional District Judge, Virudhunagar

2.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.157 of 2012.

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



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V.SIVAGNANAM, J.

PNM

ORDER IN
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