



Crl.O.P.(MD) No.13631 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2022

CORAM:

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

Crl.O.P.(MD) No.13631 of 2022

Arumugam Pillai

...Petitioner/Accused

Vs.

1.The Inspector of Police,
Annanagar Police Station,
Madurai.

...1st Respondent

2.P.Chakkaravarthy

...2nd Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to consider the petition to re-call the Non Bailable Warrant issued by the Judicial Magistrate No.1, Fast Track Court at Magisterial Level in S.T.C.No.828 of 2016, dated 16.06.2022 at the time of surrender on the same day.

For Petitioner	: Mr.M.Sankar
For R1	: Mr.R.Sureshkumar
	Government Advocate (Crl.side)



Crl.O.P.(MD) No.13631 of 2022

ORDER

WEB COPY This Criminal Original petition has been filed to re-call Non Bailable Warrant issued by the learned Judicial Magistrate No.1, Fast Track Court at Magisterial Level, Madurai in S.T.C.No.828 of 2016, dated 16.06.2022 at the time of surrender on the same day.

2.The learned counsel appearing for the petitioner would submit that the petitioner was unable to appear at the time of hearing before the learned Judicial Magistrate No.1, Fast Track Court at Magisterial Level, Madurai in respect of the case in S.T.C.No.828 of 2016 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.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate No.1, Fast Track Court at Magisterial Level, Madurai on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to re-call Non



Crl.O.P.(MD) No.13631 of 2022

Bailable Warrant 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 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.

28.07.2022

Internet: Yes
Index: Yes/No
vsd

To

1. The Inspector of Police,
Annanagar Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3/4



WEB COPY



Crl.O.P.(MD) No.13631 of 2022

V.SIVAGNANAM, J.

vsd

Crl.O.P.(MD) No.13631 of 2022

28.07.2022