



CrI.O.P.(MD) No.13758 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2022

CORAM:

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

CrI.O.P.(MD) No.13758 of 2022

Muthukumar,

: Petitioner

Vs

The Inspector of Police,
Kadupatti Police Station,
Madurai District.
Crime No.112 of 2016

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the learned Judicial Magistrate, Vadipatti to accept his surrender and to consider bail application by recall the non bailable warrant in CC.No.92 of 2022 dated 19.05.2022, on same day on merits.

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



CrI.O.P.(MD) No.13758 of 2022

ORDER

WEB COPY This Criminal Original petition has been filed to direct the learned Judicial Magistrate, Vadipatti, to accept his surrender and to consider bail application by recall the non bailable warrant in CC.No.92 of 2022 dated 19.05.2022, on same day on merits.

2.The learned counsel appearing for the petitioner would submit that the petitioner went to other district for job and also he wrongly assumed that the FIR in Crime No.112/2016 was closed. But, recently he came to know about the pendency of the case in C.C.No.92 of 2022, on the file of the learned Judicial Magistrate, Vadipatti and also a non-bailable warrant is issued against him. Now, he is ready to surrender before the trial Court.

3.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate, Vadipatti on the next hearing 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 Magistrate is directed to consider the same on its own merits in accordance with law and pass orders on the same day.



Crl.O.P.(MD) No.13758 of 2022

WEB COPY

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.

29.07.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

lr

Note: Issue Order copy on 01.08.2022



WEB COPY



CrI.O.P.(MD) No.13758 of 2022

V.SIVAGNANAM, J.

lr

To

1.The Inspector of Police,
Kadupatti Police Station,
Madurai District.

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

CrI.O.P.(MD) No.13758 of 2022

29.07.2022