



Crl.O.P.(MD) No.14042 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM:

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

Crl.O.P.(MD) No.14042 of 2022

Sheelus @ Shylus

...Petitioner/Accused No.6

Vs.

State Rep. by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.62 of 1995)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the Principal District Court, Nagercoil, Kanyakumari District to consider the recall warrant petition filed by the petitioner on the same day in the event of surrender by the petitioner and seeks to recall the Non Bailable Warrant issued in S.C.No.85 of 2008, dated 12.09.2016 pending on the file of the Principal District Court, Nagercoil, Kanyakumari District within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondent : Mr.R.Sureshkumar
Government Advocate (Crl.side)



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ORDER

WEB COPY This Criminal Original petition has been filed to re-call Non Bailable Warrant issued by the learned Principal District Court, Nagercoil, Kanyakumari District in S.C.No.85 of 2008, dated 12.09.2016 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 Principal District Court, Nagercoil, Kanyakumari District in respect of the case in S.C.No.85 of 2008 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 Principal District Court, Nagercoil, Kanyakumari District on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to re-call Non Bailable Warrant already issued against him. On filing of such petition, the concerned learned



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Judge 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.

04.08.2022

Internet: Yes
Index: Yes/No
vsd

To

1. The Principal District Judge,
Nagercoil, Kanyakumari District
2. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.SIVAGNANAM, J.

vsd

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