



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P. (MD) No.13854 of 2022

Kamalraj

: Petitioner/Accused No.3

Vs

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

: Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the learned Additional District and Sessions Judge, Virudhunagar to consider the recall warrant Petition U/s.70(2) of Cr.P.C. on the same day of its presentation in S.C.No.98 of 2014, on the file of the learned Additional District and Sessions Judge, Virudhunagar.

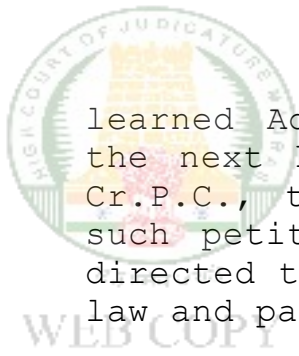
For Petitioner : M/s.Sathya Chidambaram S, Advocate
For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

ORDER

This Criminal Original petition has been filed to direct the learned Additional District and Sessions Judge, Virudhunagar to consider the recall warrant petition, on the same day of its presentation in S.C.No.98 of 2014, on the file of the learned Additional District and Sessions Judge, Virudhunagar.

2.The learned counsel appearing for the petitioner would submit that unfortunately, the petitioner was unable to appear before the learned Additional District and Sessions Judge, Virudhunagar in respect of the case in S.C.No.98 of 2014 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 Additional District and Sessions 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 him. On filing of such petition, the concerned learned District Sessions 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.

Sd/-

Assistant Registrar (T&P)

// True Copy //

02/08/2022

Sub Assistant Registrar (CS)

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To

1. The Additional District and Sessions Judge,
Virudhunagar.
2. The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S. SATHYA CHIDAMBARAM, Advocate (SR-35264[F] dated 02/08/2022)

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USK/02.08.2022/2P/5C