



CrI.O.P.(MD) No.13999 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM:

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

CrI.O.P.(MD) No.13999 of 2022

S.Chandran,

: Petitioner

Vs

R.Annadurai,

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the learned Judicial Magistrate Court No.I, Virudhunagar to consider the recall warrant petitioner filed by the petitioner on the same day and to recall the non bailable warrant in the event of his surrender in connection with a case.

For Petitioner : M/s.Indrachithu T,

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate Court No.I, Virudhunagar to consider the recall warrant petitioner filed by the petitioner on the same day and to recall the non bailable



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warrant in the event of his surrender in connection with a case.

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2.The learned counsel appearing for the petitioner would submit that the petitioner's lower Court Counsel was not acted upon the petitioner's favour. Therefore, the petitioner did not know the proceedings of the trial Court. In such circumstances, non bailable warrant was 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 Court No.I, 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 Magistrate is directed to consider the same on its own merits in accordance with law and pass orders on the same day.



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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 Nonailable Warrant and any crime committed while pending Nonailable 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.

03.08.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
lr



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V.SIVAGNANAM, J.

lr

To

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

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