



Crl.O.P.(MD) No.14092 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.14092 of 2022

1.Anandakumar
2.N.Ganesan

...Petitioners

Vs.

State Rep. by
The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul District.
(Crime No.205 of 2007)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the Additional District Judge, Dindigul to accept the surrender of the petitioners and consider the recall warrant petition filed under Section 70(2) of Cr.P.C. on the same day in C.A.No.69 of 2018, dated 06.10.2020.

For petitioners : Mr.K.Asok Kumar Ram



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ORDER

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This Criminal Original petition has been filed to re-call Non Bailable Warrant issued by the learned Additional District Judge, Dindigul in C.A.No. 69 of 2018, dated 06.10.2020 at the time of surrender on the same day.

2.The learned counsel appearing for the petitioners would submit that the petitioners were unable to appear at the time of hearing before the learned Additional District Judge, Dindigul 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 petitioners, the petitioners are directed to appear before the learned Additional District Judge, Dindigul on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against them. On filing of such petition, the concerned learned Judge is directed to consider



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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 Additional District Judge,
Dindigul.
2. The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul 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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