



Crl.O.P.(MD) No.14652 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2022

CORAM:

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

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1. John Kennady @ John Kennady Selvaraj
2. Chakkaravarthy ...Petitioners/Accused

Vs.

Samuel Jebakumar ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the Fast Track Court (Magistrate Level), Kovilpatti to consider the warrant re-call petition in C.C.No.39 of 2020 on the same day of surrender of the petitioners.

For Petitioners : Mr.T.Selvan

ORDER

This Criminal Original petition has been filed to re-call Non Bailable Warrant issued by the learned Judge, Fast Track Court (Magistrate Level), Kovilpatti in C.C.No.39 of 2020 on the same day of surrender of the petitioners.



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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 Judge, Fast Track Court (Magistrate Level), Kovilpatti in respect of the case in C.C.No.39 of 2020 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners 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 Judge, Fast Track Court (Magistrate Level), Kovilpatti 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 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



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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.

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Internet: Yes
Index: Yes/No
vsd

Note :Issue Order Copy on 22.08.2022

To

- 1.The Fast Track Court (Magistrate Level),
Kovilpatti.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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