



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.08.2022**

CORAM

THE HONOURABLE Mr.JUSTICE **V.SIVAGNANAM**

CrI.O.P (MD) No. 15564 of 2022

Karuppasamy

... Petitioner

Vs

G.S.Dhanakumar

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate, Fast Track Court(Magisterial Level), Theni to consider the recall warrant petition filed U/s. 70(2) Cr.P.C. filed and to recall the bailable warrant issued on 23.05.2022 against the petitioner in S.T.C.No. 76 of 2022 on the same day of his surrender.

For Petitioner : Mr.S.T.Sasidharan Tamilkani

### **ORDER**

This Criminal Original petition has been filed to direct the learned Judicial Magistrate, Fast Track Court(Magisterial Level), Theni to consider the recall warrant petition filed U/s. 70(2) Cr.P.C. filed and to



recall the bailable warrant issued on 23.05.2022 against the petitioner in S.T.C.No. 76 of 2022 on the same day of his surrender.

2. The learned counsel appearing for the petitioner would submit that since the petitioner was ill he was unable to appear before the learned Judicial Magistrate, Fast Track Court(Magisterial Level), Theni in respect of the case in STC No.76 of 2022 and hence, 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 Judicial Magistrate, Fast Track Court(Magisterial Level), Theni on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall Bailable Warrant 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.

**29.08.2022**

Index: Yes/No  
Internet: Yes/No  
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To

The learned Judicial Magistrate,  
Fast Track Court(Magisterial Level), Theni



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**V.SIVAGNANAM, J.**

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