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Crl.O.P.(MD)No.17978 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.10.2022**

CORAM:

THE HONOURABLE MRS.JUSTICE **T.V.THAMILSELVI**

Crl.O.P.(MD) No.17978 of 2022

D.Vinoji

.. Petitioner

Vs.

The Inspector of Police,
Periyakulam Police Station,
Theni District.
(Cr.No.80 of 2016)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the order of NBW issued by the learned Assistant Sessions Judge / Sub Court, Periyakulam, Theni District, against the witness LW13/petitioner in S.C.No.70 of 2017, dated 02.09.2022 and set aside the same and consequently, direct the learned Additional Sessions Judge / Sub Court, Periyakulam, Theni District, for recall the NBW dated 02.09.2022.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking to set aside the NBW issued by the learned Additional Sessions Judge, Sub Court, Periyakulam.



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2.The learned counsel for the petitioner submitted that due to review meeting and monthly crime meeting with regard to the vinayagar chathurthi festival, the petitioner was unable to appear before the trial Court on 12.08.2022 and on 02.09.2022. His absence is neither wilful nor wanton. Hence, he prays to recall the NBW dated 02.09.2022.

3.Perusal of records shows that the trial Court has issued warrant against the petitioner on 02.09.2022, as he has not appeared before the Court for giving evidence as PW13. As a police official the petitioner was engaged in other duty with regard to the law and order problem. In view of the above, this Court is inclined to entertain this petition.

4.Accordingly, this Criminal Original Petition is allowed and the NBW issued by the learned Assistant Sessions Judge, Sub Court, Periyakulam, Theni District, in S.C.No.70 of 2017 dated 02.09.2022, is set aside and the petitioner is directed to appear before the trial Court and co-operate for the trial proceedings.

06.10.2022

Index : Yes/No
Internet : Yes/No
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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Assistant Sessions Judge, Sub Court, Periyakulam, Theni District.
- 2.The Inspector of Police, Periyakulam Police Station, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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T.V.THAMILSELVI. J.

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