



CrI.O.P(MD)No.22846 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :22.12.2022

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THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

CrI.O.P(MD)No.22846 of 2022

Gokul Prasath

... Petitioner

Vs.

**The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
(in Crime No.467of 2022)**

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate, Oddanchathiram to accept the petitioner's surrender application and consider his warrant recall petition filed under Section 70(2) of Cr.P.C on the same day on merits in C.C.No.210 of 2022 pertaining to the Crime No.467 of 2022 on the file of the respondent Police Station.

For Petitioner : Mr.S.Nihar Ali

**For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor**



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ORDER

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This Criminal Original petition has been filed to direct the learned Judicial Magistrate, Oddanchathiram to accept the petitioner's surrender application and consider his warrant recall petition filed under Section 70(2) of Cr.P.C on the same day on merits in C.C.No.210 of 2022 pertaining to the Crime No.467 of 2022 on the file of the respondent Police Station.

2. The learned counsel appearing for the petitioner would submit that the petitioner was falsely implicated in Crime No.392 of 2022 on the file of the Mangalam Police Station, Tiruppur and he was remanded to judicial custody, due to which, the he was not able to appear before the learned Judicial Magistrate, Oddanchathiram, in respect of the case in C.C.No.210 of 2022 and hence, non bailable warrant has been issued against the petitioner.

3. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor appearing for the respondent police submitted that because of the non-appearance of the petitioner before the trial Court, non bailable warrant has been issued against him.



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4. Considering the facts and the circumstances of this case, this Court directs the petitioner to appear before the learned Judicial Magistrate, Oddanchathiram 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.

With the above direction, this Criminal Original Petition is disposed of.

22.12.2022

Index: Yes/No
Internet: Yes/No
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To:

1. The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

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