



CRL.O.P. No. 10426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. No.10426 of 2023

Subash

... Petitioner

Vs.

State represented by
The Inspector of Police,
M-8 Sathangadu Police Station,
Tiruvallur District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the docket order passed by the learned Judicial Magistrate-II at Ponneri in CrI.MP.No. SR.No.3896 of 2023 dated 02.05.2023 in S.C.No.103 of 2016 pending on the file of Additional District and Sessions Judge IV at Ponneri and consequently direct the learned Judicial Magistrate-II at Ponneri to accept the surrender of the petitioner.

For Petitioner : Mr.B.S.Manikandan

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed challenging the docket order passed by the learned Judicial Magistrate-II, Ponneri in CrI.M.P.S.R.No.3896 of 2023 dated 02.05.2023 in S.C.No.103 of 2016 pending on the file of the Additional District and Sessions Judge-IV, Ponneri and consequently direct the learned Judicial Magistrate-II, Ponneri to accept the surrender of the petitioner.

2. It is seen that the petitioner is an accused in S.C.No.103 of 2016 pending on the file of the Additional District and Sessions Judge-IV, Ponneri. He failed to appear before the trial Court, hence Non Bailable Warrant has been issued against the petitioner and it is pending. At this Juncture, the petitioner has surrendered before the learned Judicial Magistrate-II, Ponneri and his surrender was not accepted by the learned Magistrate for reason that already the petitioner is an accused in S.C.No.103 of 2016 and Non Bailable Warrant was also issued against him and it is pending. Therefore, the learned Magistrate rightly rejected the petition for surrender.

3. This Court finds no infirmity or illegality in the order passed by the trial Court, accordingly, this Criminal Original Petition is dismissed. However, the



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petitioner is at liberty to appear before the trial Court and filed a petition under

Section 70(2) of Cr.P.C., to recall NBW, 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.

05.05.2023

Index : Yes/No

Internet : Yes

Speaking/non speaking order

mpa

To

1. The Judicial Magistrate-II, Ponneri.

2. The Inspector of Police,
M-8 Sathangadu Police Station,
Tiruvallur District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

mpa/rri

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