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Crl.O.P.No.28430 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.28430 of 2022

N.Sethuraman

...

Petitioner

Vs.

1.S.Seethalakshmi

2.The Inspector of Police,
Soundarapandiyanar Police Station,
T.Nagar, Chennai.

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned II Additional Family Judge at Chennai to recall the non-bailable warrant issued against the petitioner in M.P.No.229 of 2022 in M.C.No.50 of 2021 on 10.06.2022 without the personal appearance of the petitioner.

For Petitioner : Mr. R.Anand

For Respondent : S.Seethalakshmi
No.1 (Party in person)

For Respondent : Mr.S.Santhosh
No.2 Government Advocate (Crl. Side)

ORDER



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This Criminal Original Petition is filed to direct the II Additional Family Judge, Chennai, to recall the non-bailable warrant issued against the petitioner, in M.P.No.229 of 2022 in M.C.No.50 of 2021, on 10.06.2022, without the personal appearance of the petitioner.

2.The learned counsel for the petitioner submitted that the petitioner is a septuagenarian aged 79 years and is affected by atypical Parkinsonian Memory Impairment, Urinary Incontinence and Peripheral Neuropathy. The II Additional Family Court, Chennai, has ordered non-bailable warrant against the petitioner on 10.06.2022. Therefore, this petition is filed to recall the non-bailable warrant without the personal appearance of the petitioner.

2.The first respondent is present and opposed this petition.

3.Considered the rival submissions and perused the records.

4.Though the petitioner claims that he is affected by atypical Parkinsonian Memory Impairment, Urinary Incontinence and Peripheral Neuropathy, no medical certificate is produced for the same. Merely for the



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reason that he is aged 79 years, his personal appearance cannot be dispensed with for recall of non-bailable warrant. Therefore, the petitioner is directed to appear before the II Additional Family Court, Chennai and move a petition for recall of non-bailable warrant. On such filing of the petition, the learned II Additional Family Court Judge, Chennai, considering that this is only a proceedings under Section 125 Cr.P.C., is directed to recall the warrant for making further progress in the case and for ultimate disposal of the case.

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

30.01.2023

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1. The II Additional Family Court, Chennai.

2. The Inspector of Police,
Soundarapandiyanar Police Station,
T.Nagar, Chennai.

3. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J.



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