



WEB COPY

Crl.O.P.(MD)No.5255 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.5255 of 2023

Aneesh @ Pandeewaran

... Petitioner

Vs.

The Inspector of Police,
Civil Supplies Crime Investigation
Department, Uthamapalayam,
Theni District. (Crime No.367/2011).

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the Learned Judicial Magistrate, Uthamapalayam, Theni District, to consider the recall warrant petition filed under Section 70(2) of Cr.PC to recall the NBW issued on 09.11.2021 against the petitioner in CC No.36/2018.

For Petitioner : Mr.A.Arul Jenifer

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Criminal Side)

ORDER

This petition has been filed seeking direction to the Learned Judicial Magistrate, Uthamapalayam, Theni District, to consider the



recall warrant petition filed under Section 70(2) of Cr.P.C., to recall the NBW issued on 09.11.2021 against the petitioner in C.C.No.36/2018.

2. On 21.03.2023, this Court called for the report from the concerned Court with regard to the stage of the trial process.

3. Report is received from the trial Court, wherein it is stated that C.C.No.391 of 2012 was assigned against the accused Nos.A1 to A5. Thereafter, accused Nos. 1, 3 and 5 failed to appear before the Court and they are declared as Proclaimed Offenders by following the proper procedure. Now the case was split up from C.C.No.391 of 2012 and assigned C.C.No.36 of 2018 against the accused Nos. A1, A3 and A5. Now, the case is posted for examination of witnesses.

4. The learned Government Advocate(Crl. Side) appearing for the respondent police submitted that the petitioner was already ordered bail and thereafter, failed to execute the sureties before the concerned trial Court.

5. Heard both sides and perused the materials available on records.



Crl.O.P.(MD)No.5255 of 2023

WEB COPY

6. A perusal of records show that after filing the charge sheet, the petitioner and others have not appeared before the concerned Court regularly and after getting bail from the Court, the petitioner has not executed the surety before the concerned Court. Therefore, this Court does not find any merits in this petition. Accordingly, this Criminal Original Petition is dismissed.

10.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

TTA

To

- 1.The Inspector of Police,
Civil Supplies Crime Investigation
Department, Uthamapalayam,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.5255 of 2023

G.ILANGOVAN. J.

TTA

Crl.O.P.(MD)No.5255 of 2023

10.04.2023