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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.5687 of 2023

Madasamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ayikudi Police Station,
Tenkasi.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the learned Judicial Magistrate Court cum Principal District Munsif Judge, Shengottai, to consider the warrant recall petition filed under section 70(2) of Cr.P.C on the same day of the petitioner's surrender before the court in connection with Non Bailable warrant in Crl.M.P.No.5291 of 2022 in M.C.No.15 of 2014.

For Petitioner : Mr.V.Kishore Kumar

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



ORDER

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This petition has been filed seeking direction to the the learned Judicial Magistrate Court cum Principal District Munsif Judge, Shengottai, to consider the warrant recall petition filed under section 70(2) of Cr.P.C on the same day of the petitioner's surrender before the court in connection with Non Bailable warrant in Crl.M.P.No.5291 of 2022 in M.C.No.15 of 2014.

2. On 28.03.2023, a report was called for from the concerned Court with regard to the reason for issuing NBW against the petitioner, since it is a matrimonial issue between the husband and wife.

3. Report is received from the trial Court, wherein the trial Court fairly admitted that wrong procedure has been adopted in issuing warrant against the petitioner, due to non-appearance of the petitioner in Crl.M.P.No.5291 of 2022 in M.C.No.15 of 2014.

4. Since the trial Court stated that a wrong procedure has been adopted, the petitioner may appear before the trial Court and to participate the enquiry process. If required is made, he shall file an application for condoning his absence.



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

10.04.2023

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

TTA

To

- 1.The Inspector of Police,
Ayikudi Police Station, Tenkasi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

TTA

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