



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 03.07.2023

CORAM:

The Hon`ble Dr.Justice **D.NAGARJUN**

Crl.O.P.(MD)No.12016 of 2023

W.S.M.D.B.Mugunthan

... Petitioner/Sole Accused

Vs

W.T.K.M.R.Palanichamy(died)

Roselin

... Respondent/2nd Petitioner

Prayer: Petition filed under Section 482 of Cr.P.C., directing to consider the recall of the Non Bailable Warrant petition on the same day in C.C.No.03 of 2005 on the file of the Learned Judicial Magistrate, Nilakkottai on the same day.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.S.S.Madhavan
Government Advocate

ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Judicial Magistrate, Nilakkottai, to dispose of an application to be filed before the Court by the petitioner under Section 70(2) of Cr.P.C., for recall of a non-bailable warrant.

2. It is submitted by the learned counsel for the petitioner / sole accused that the petitioner has involved in C.C.No.3 of 2005 on the file of the learned Judicial Magistrate, Nilakkottai, registered and cognizance which was taken for the offences under Section 138 of Negotiable Instruments Act ,in which a non bailable warrant was stated to have been issued on 03.05.2023.

3. Considering the apprehension of the petitioner as explained by the his counsel, the petitioner is directed to approach the learned Judicial Magistrate Court, Nilakkottai and file an application under Section 70(2) of Cr.P.C., to recall the warrant issued and in that event, on filing such application, the learned trial Court is directed to dispose of the application on the same day, by following the procedure, including if necessary by issuing notice to respondent as rights were issued at the instance of the respondent in the complaint.



4. With the above observation, this Criminal Original Petition stand is disposed of.

sd/-
03/07/2023

/ TRUE COPY /

WEB COPY

/07/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

+1. CC to M/S.HEROLD SINGH S C Advocate SR.No.32573(F)

ORDER
IN
CRL OP(MD) No.12016 of 2023
Date :03/07/2023

PKP/ /SAR- /10.07.2023/ **2P/4C**