



Crl.O.P.(MD) No.15923 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.15923 of 2023

N.Govindaraj

... Petitioner

Vs.

State represented by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

..Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Judicial Magistrate No.1, Sivakasi to accept the surrender of the petitioner and consider the petition to recall the non bailable warrant issued against the petitioner in S.T.C.No.1065 of 2019 on his appearance.

For Petitioner	:Mr.B.Fazil Kirmani
For Respondent	:Mr.B.Thanga Aravindh Government Advocate (crl.side)



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ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the learned Judicial Magistrate No. 1, Sivakasi to accept the surrender of the petitioner and consider the petition to recall the non bailable warrant issued against him in S.T.C.No.1065 of 2019 on his appearance.

2.It is submitted by the learned counsel for the petitioner that on a complaint filed by the respondent, a case has been registered against the petitioner under Section 138 of Negotiable Instruments Act and NBWs issued against the petitioner are pending from 07.12.2019 and that the petitioner is intending to surrender before the Court and therefore, sought for suitable directions.

3.The petitioner can very well approach the learned Magistrate and make a similar request. In case if the petitioner is under the apprehension that he may likely be remanded, the petitioner can file an application by mentioning suitable grounds. It is the prerogative of the learned Magistrate to take a decision as to



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whether the NBW can be recalled or not, basing on the facts of the case.

4.Since it is submitted that NBWs are pending from 2019, perhaps the petitioner is under the apprehension that his application may not be considered, this Petition is disposed of by giving liberty to the petitioner to approach the learned Judicial Magistrate No.1, Sivakasi and on filing of such application, the learned Magistrate is directed to consider and dispose of the same objectively basing on the history of the case.

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

13.09.2023

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To

- 1.The Judicial Magistrate No.1, Sivakasi.
- 2.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR.D.NAGARJUN. J.

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