



CrI.O.P.(MD) No.16928 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.16928 of 2023

Vadivel Murugan

: Petitioner

Vs.

1.The State represented by its,
The Deputy Superintendent of Police,
Srivaikuntam, Thoothukudi District.

2.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
(Crime No.67 of 2018)

3.Chinna Thambi

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction to the learned Special Court for trial of cases under SC/ST [POA] Act, Thoothukudi to recall the Non-Bailable Warrant dated 30.03.2021, pending as against the petitioner in the criminal case in S.C.No.96 of 2020 on the



Crl.O.P.(MD) No.16928 of 2023

very same date of the filing of above recall petition and to release the petitioner on bail on the very same day itself.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.SS.Madhavan

Government Advocate (Crl. side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the trial Court to consider the application to re-call the Non-Bailable Warrant pending from 30.03.2021 in S.C.No.96 of 2020.

2.It is submitted by the learned Counsel for the petitioner that the petitioner, after obtaining bail in S.C.No.96 of 2020 was appearing regularly, in the concerned Court. However, the petitioner was remanded to judicial custody in some other criminal cases, thereby, he could not appear before the Court, thereby Non-Bailable Warrants have been issued, against him. It is also submitted by the learned Counsel for the petitioner that the petitioner is now released from judicial custody and intending to file an application under Section 70(2) of Cr.P.C, before the trial Court in S.C.No.96 of 2020 and thereby sought for directions to the trial Court to consider the petition to be filed under Section 70(2) of Cr.P.C and dispose of the same on the very same day.



Crl.O.P.(MD) No.16928 of 2023

3. Heard the learned Government Advocate [Crl. Side] appearing for the respondents 1 and 2.

4. Once Non-Bailable Warrant is issued, during the course of trial the petitioner is expected to file a petition to re-call the Non-Bailable Warrant in the same Court, instead the petitioner has approached this Court, for a direction to trial Court to dispose the petition on the same day. The petitioner has failed to submit on what ground the petitioner is seeking the relief. It is for the trial Court to consider the petition and take appropriate decision.

5. With the above observations, the Criminal Original Petition is disposed of, by giving liberty to the petitioner to file an application under Section 70(2) Cr.P.C., on which, the trial Court is directed to consider the same as per law.

22.09.2023

Speaking : Yes / No

NCC : Yes / No

Internet : Yes / No

Index : Yes / No

MR

Note: Issue a copy of this order by 27.09.2023.



WEB COPY



Crl.O.P.(MD) No.16928 of 2023

To

1.The Deputy Superintendent of Police,
Srivaikuntam,
Thoothukudi District.

2.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.16928 of 2023

DR.D.NAGARJUN. J.

MR

Crl.O.P.(MD) No.16928 of 2023

22.09.2023