



Crl.O.P.(MD)No.22333 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22333 of 2022

Josepin Meri @ Josephin

... Petitioner

Vs.

The State of Tamil Nadu
represented through
The Inspector of Police,
Central Crime Branch,
Madurai.
(Crime No.39 of 2012)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for the Exclusive Trial of Land Grabbing Cases, to consider the petitioner's warrant recall petition filed under Section 70(2) Cr.P.C. without insisting her appearance in C.C.No.08 of 2014 in respect of the case in Crime No. 39 of 2012 on the same day.

For Petitioner : Mr.A.Azhageson

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Special Court for the Exclusive Trial of Land Grabbing Cases, to consider the petitioner's warrant recall petition filed under Section 70(2) Cr.P.C. without insisting her appearance in C.C.No.08 of 2014 in respect of the case in Crime No. 39 of 2012 on the same day.

2. The learned counsel appearing for the petitioner would submit that since the petitioner has not turned up for the hearing on 27.09.2022, Non-Bailable Warrant was ordered to be issued and that the petitioner is a dialysis patient and is taking treatment in Meenakshi Mission Hospital, Madurai.

3. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the petitioner is taking treatment in Meenakshi Mission Hospital, Madurai, for dialysis.



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4. Considering the above, the petitioner is directed to file an application under Section 70(2) Cr.P.C. to recall the warrant through her counsel before the concerned Court and on such filing, the learned Magistrate is directed to pass orders in accordance with law.

5. It is needless to say that the Court below while disposing the warrant recall petition filed under Section 70(2) Cr.P.C., shall look into the gravity of the offence and as to how many times Non-Bailable Warrant was issued earlier and other surrounding circumstances and to pass orders. Mere direction issued by this Court to consider the recall petition, does not amount to consider it favorably.

6. With the above direction, this Criminal Original Petition stands disposed of.

24.01.2023

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

To

- 1.The Inspector of Police,
Central Crime Branch,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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K.MURALI SHANKAR,J.

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Order made in
Crl.O.P.(MD)No.22333 of 2022

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