



Crl.O.P.(MD)No.8446 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8446 of 2024

Arputharaj

... Petitioner/Sole Accused

Vs.

State Represented by
The Inspector of Police,
Nesamani Nagar Police Station,
Nagercoil District.
Crime No.40 of 2013

... Respondent/Complaint

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.II, Nagercoil to accept the petitioner's surrender, warrant recall application and consider on the same day on merits in C.C.No.214 of 2014 on the file of the learned Judicial Magistrate No.II, Nagercoil.

For Petitioner : Mr.S.Manojkumar

For Respondent : Mr.M.Sakthikumar
Government Advocate (Crl. side)

ORDER

The petitioner has filed this application seeking a direction to the learned Judicial Magistrate No.II, Nagercoil to accept the application



CrI.O.P.(MD)No.8446 of 2024

filed by the petitioner under Section 70(2) of Cr.P.C., on the date of filing itself.

2.Heard the learned counsel on either side and perused the materials placed on record.

3.If any application is filed under Section 70(2) of Cr.P.C., would be decided only on the same day. It is the discretion of the learned Magistrate either to recall the Non-Bailable Warrant or remand the accused. Hence, this Court is not inclined to interfere with the discretion of the trial Court.

4.Accordingly, this Criminal Original Petition is dismissed.

11.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sjj
To

1.The Judicial Magistrate No.II, Nagercoil.

2.The Inspector of Police,
Nesamani Nagar Police Station,
Nagercoil District.



CrI.O.P.(MD)No.8446 of 2024

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

WEB COPY



WEB COPY



CrI.O.P.(MD)No.8446 of 2024

B.PUGALENDHI, J.

sjj

CrI.O.P.(MD)No.8446 of 2024

11.06.2024