



CrI.O.P.(MD)No.8707 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.8707 of 2024

Kathir @ Kathiresan

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.
(In Crime No.538 of 2023)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate, Nanguneri, Tirunelveli District to accept the surrender and recall the Non-Bailable Warrant issued in PRC.No.01 of 2024 as against the petitioner.

For Petitioner : Mr.C.Karthikeyan

For Respondent : Mr.P.Kottaichamy,
Government Advocate(Crl.side)



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ORDER

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The petitioner has approached this Court seeking a direction to the learned Judicial Magistrate, Nanguneri, Tirunelveli District to accept the surrender and recall the Non-Bailable Warrant issued in PRC.No.01 of 2024 as against the petitioner.

2.The case of the petitioner is that he is an accused in PRC.No.01 of 2024 pending on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli District. The said case was registered for the offence under Sections 147, 148, 448, 294(b), 302 and 506(ii) IPC. When the said case was posted for hearing on 09.05.2024, the petitioner failed to appear before the Court below and hence, the learned Judicial Magistrate, Nanguneri issued Non-Bailable Warrant as against him. According to the petitioner, his absence is neither willful nor wanton and he is ready to appear before the Court below and co-operate with the trial.

3.The learned Government Advocate(Crl.side) appearing for the respondent submits that the petitioner is having one previous case to his



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credit and if Non-Bailable Warrant is recalled, he will again abscond.

Therefore, he prays to dismiss the present petition.

4.Since the petitioner is having alternative remedy under Section 70(2) Cr.P.C., this Court is not inclined to entertain this petition. Accordingly, this criminal original petition is dismissed.

14.06.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1.The Judicial Magistrate,
Nanguneri,
Tirunelveli District.

2.The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

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



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B.PUGALENDHI,J

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