



CrI.O.P.(MD)No.12160 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 31.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.12160 of 2024

P.Mahesh @ Maheswaran

... Petitioner

versus

1. The State rep. by
The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District.

2. Divya

3. Sabaleesh Kumar

4. Jeejeshkumar

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS 2023 and under Section 482 of Cr.P.C. to direct the District Munsif cum Judicial Magistrate Court, Rameswaram, to consider the warrant recall petition filed by the petitioner on the same day of his surrender in CrI.M.P.No.1851 of 2024 dated 04.07.2024.



CrI.O.P.(MD)No.12160 of 2024

For Petitioner : Mr.R.Sundar
For R1 : Mr.P.Kottaichamy
Government Advocate (CrI. side)

ORDER

The petitioner, who is the respondent in M.C.No.7 of 2019, has filed this petition seeking a direction to the learned District Munsif cum Judicial Magistrate, Rameswaram, to consider his application to be filed to recall the Non-Bailable Warrant issued against him, on the same day of surrender.

2. The learned counsel appearing for the petitioner submits that the petitioner is working as a Head Constable and he could not avail leave, when the case is listed before the learned District Munsif cum Judicial Magistrate, Rameswaram, on 04.07.2024 and due to boycott, his counsel could not appear before the trial Court and therefore, a Non-Bailable Warrant was issued against the petitioner on 04.07.2024. Now, the petitioner is ready to surrender before the learned District Munsif cum Judicial Magistrate, Rameswaram.



CrI.O.P.(MD)No.12160 of 2024

However, the petitioner apprehends that if he is arrested by the respondent Police, he has to face the consequences in his Department. Therefore, the petitioner is before this Court.

3. The learned counsel for the petitioner further submits that the petitioner undertakes that he will settle the entire arrears of maintenance amount to the second respondent in three equal monthly installments.

4. Considering the fact that the Non-Bailable Warrant was issued against the petitioner on 04.07.2024 and due to boycott, the petitioner's counsel could not appear before the trial Court on that day and also considering the fact that the petitioner is working as a Head Constable, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the learned District Munsif cum Judicial Magistrate, Rameshwaram, within a period of two weeks from the date of receipt of a copy of this order. The learned District Munsif cum Judicial Magistrate, Rameshwaram,



CrI.O.P.(MD)No.12160 of 2024

shall consider the case of the petitioner sympathetically and dispose of the application on the same day of surrender. The petitioner shall pay 1/3rd of arrears of maintenance amount to the second respondent/wife, on the date of his surrender before the concerned Court. The petitioner shall be permitted to pay the remaining 2/3rd amount on two equal monthly installments, i.e. on or before the 5th day of every succeeding month.

31.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

ogy

To

1. The District Munsif cum Judicial Magistrate Court,
Rameswaram.
2. The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4/5



WEB COPY



CrI.O.P.(MD)No.12160 of 2024

B.PUGALENDHI, J.

ogy

CrI.O.P.(MD)No.12160 of 2024

31.07.2024