



Crl.R.C.(MD)No.832 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.832 of 2024

Suresh Kumar

... Petitioner

Vs.

The Inspector of Police,
Kottar Police Station,
Nagercoil.

... Respondent

PRAYER : Criminal Revision Case filed under Sections 438 & 442 BNSS, to set aside the order passed in Crl.M.P.No.10 of 2024 in S.C.No. 253 of 2017 on the file of the learned I Additional Assistant Sessions Judge, Nagercoil dated 07.08.2024 and further recall the warrant issued to the petitioner dated 12.07.2024.

For Petitioner : Mr.N.Anantha Padmanabhan
Senior Counsel
for M/S.Poornachandran.S.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)



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ORDER

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This criminal revision case is directed as against the order passed in Crl.M.P.No.10 of 2024 in S.C.No.253 of 2017 on the file of the learned I Additional Assistant Sessions Judge, Nagercoil dated 07.08.2024 dismissing the petition filed for recalling NBW issued against the petitioner on 12.07.2024.

2.It is not in dispute that since the petitioner has not appeared, NBW came to be issued, that on the next hearing, the petitioner filed an application to recall the non-bailable warrant and that the learned Sessions Judge by observing that the petitioner has not appeared and has not filed surrender petition, dismissed the said application.

3.The learned Senior Counsel appearing for the petitioner would submit that the petitioner is ready to surrender before the trial Court and file surrender petition and that since the petitioner is in abroad, he may be directed to appear before the trial Court after 17.09.2024.

4.The learned Government Advocate(Crl.side) appearing for the respondent would submit that this was the first time the warrant came to be issued as against the petitioner.



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5. Recording the submissions made on either side and also considering the fact that the petitioner is ready and willing to surrender before the trial Court, the impugned order dated 07.08.2024 passed in Crl.M.P.No.10 of 2024 in S.C.No.253 of 2017 on the file of the learned I Additional Assistant Sessions Judge, Nagercoil is hereby set aside and the petitioner is directed to appear before the trial Court, within a period of one week from the date of receipt of a copy of this order and file a surrender petition. On his appearance and filing of surrender petition, the learned Judge shall consider the same and pass orders in accordance with law. Since the petitioner is in abroad, the respondent Police is directed not to take any coercive steps till his surrender.

6. With the above direction, this criminal revision case is allowed.

02.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

gns

To

- 1.I Additional Assistant Sessions Judge,
Nagercoil.
- 2.The Inspector of Police,
Kottar Police Station,
Nagercoil.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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