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Crl.O.P.(MD)No.21923 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.21923 of 2022

Dhatchinamoorthy

... Petitioner

Vs.

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

2.Gajendran Pandiyan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, Paramakudi, to consider the recall warrant petition, to be filed under Section 70(2) Cr.P.C on the same day of its filing, to recall the Non-Bailable Warrant issued against the petitioner in S.T.C.No.138 of 2016, dated 28.03.2017 and to permit the petitioner to show his appearance before the said Court on the upcoming hearings.

For petitioner : Mr.P.Santhana Krishnan

For Respondents : Mr.S.Manikandan

Government Advocate (Crl.side)

for R1

Mr.M.S.Jeya Karthick for R2



ORDER

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This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Paramakudi, to consider the recall warrant petition, to be filed under Section 70(2) Cr.P.C on the same day of its filing and recall the Non-Bailable Warrant issued against the petitioner in S.T.C.No.138 of 2016, dated 28.03.2017 and permit the petitioner to show his appearance before the said Court on the upcoming hearings.

2. The learned counsel appearing for the petitioner submits that the petitioner is arrayed as accused in the complaint filed by the second respondent and for non-appearance of the petitioner before the trial Court, the trial Court has issued Non-Bailable Warrant against the petitioner. He is unable to appear before the trial Court, since the Non-Bailable Warrant has been issued against him. Hence, the petitioner, having no other alternative remedy, has approached this Court by way of this Petition.

3. In view of the submission made by the learned counsel appearing for the petitioner, this Court directs the petitioner to file a recall petition under Section 70(2) Cr.P.C, before the learned Judicial



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Magistrate, Paramakudi, within a period of one week from the date of receipt of a copy of this order. On filing of such petition, the learned Judicial Magistrate, Paramakudi, is directed to consider the same and pass appropriate orders.

4. Accordingly, this Criminal Original Petition is disposed of.

14.02.2024

Index : Yes/No

Internet : Yes/No

ssb

To

- 1.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.
- 2.The learned Judicial Magistrate, Paramakudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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