



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

WEB COPY

CrI.O.P.(MD) No.13420 of 2017

Mohammed Saleem Gani

...Petitioner

-Vs-

The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

...Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the Family Court, Madurai to consider the surrender application of the petitioner on the same day against the non-bailable warrant issued on 25.01.2017 in M.C.No.72 of 2009.

For Petitioner :Mr.K.Abiya
For Respondent :Mr.K.Anbarasan,
Government Advocate(Crl. Side).

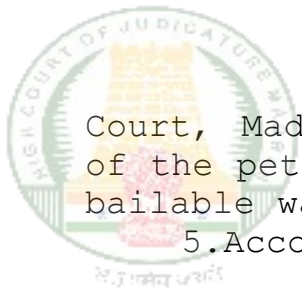
O R D E R

This Criminal Original Petition has been filed to direct the Family Court, Madurai to consider the surrender application of the petitioner on the same day against the non-bailable warrant issued on 25.01.2017 in M.C.No.72 of 2009.

2.Heard the learned Counsel appearing for the petitioner, the learned Government Advocate(Criminal side) appearing for the respondent.

3.It is the case of the petitioner that the petitioner's wife, one Amsath Rani has filed the maintenance case against the petitioner for herself and her minor daughter. Since the petitioner was not able to attend the case on the date of hearing on 25.01.2017, the learned Family Judge, Madurai, issued Non-Bailable Warrant against the petitioner. The non-appearance on the date of hearing of the petitioner is not willfull nor wanton. Hence the petitioner has filed this petition to consider the surrender application of the petitioner on the same day by the learned Family Judge, Madurai.

<https://hcservices.courts.gov.in/hcservices/>
14. Considering the facts and circumstance of the case, this Court is inclined to allow this petition and the learned Family



Court, Madurai is directed to consider the surrender application of the petitioner and pass orders on the same day against the non-bailable warrant issued on 25.01.2017 in M.C.No.72 of 2009.

5. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar/
Vacation officer

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

2. The Judge,
Family Court,
Madurai.

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

+1cc to M/S.Abiya, Advocate, SR.81482

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28.09.2017

CMR/ARUL/MM

KK/SKN RSK/SAR 2/06.10.2017/ 2P- 5C/