



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.17912 of 2019

Asphin Hensley @ Aswin

... Petitioner

Vs

1.State rep. by

The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.468 of 2016

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to recall the non bailable warrant issued on the petitioner on his surrender in C.C.No.165 of 2017 on the file of the Judicial Magistrate No.1, Kuzhithurai in crime No.468 of 2017 on the file of the respondent police on the same day.

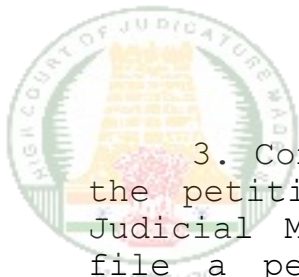
For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate(Crl. Side)

O R D E R

This petition has been filed to direct the Judicial Magistrate No.1, Kuzhithurai to recall the non bailable warrant issued on the petitioner on his surrender in C.C.No.165 of 2017 on the file of the Judicial Magistrate No.1, Kuzhithurai in crime No.468 of 2017 on the file of the respondent police.

2. The learned counsel appearing for the petitioner would submit that on 04.09.2018, due to illness, the petitioner was crippled to appear before the Court and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.



3. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the Judicial Magistrate No.1, Kuzhithurai on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On filing of such petition, the concerned learned Judicial Magistrate is directed to consider the same on his own merits in accordance with law and pass orders on the same day.

4. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate NO.1,
Kuzhithurai.
2. The Inspector of Police,
Marthandam Police Station, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-102705[F] 29/11/2019)

Order made in
CRL.O.P (MD) No.17912 of 2019
29.11.2019

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SDS (18.12.2019) 2P 5C