



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 06-07-2026**

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**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**CRL OP No. 17201 of 2026**

**and**

**Crl.M.P.No.11471 of 2026**

1. M/s.Berina Cosmetics P.Ltd.  
Rep.by its Director Ajay kumar Jalan,  
Unit no.404,  
Reliable Pride,  
Anandnagar Opp Heerapanna,  
Jogeshwari,  
Mumbai city,  
Maharashtra.
2. Ajay kumar Jalan  
Director,  
M/s.Berina Cosmetics P.Ltd,  
Unit no.404,  
Reliable Pride,  
Anandnagar Opp Heerapanna,  
Jogeshwari,  
Mumbai city,  
Maharashtra.

..Petitioner(s)

Vs

The Drug Inspector,  
Kancheepuram-I Range/Chrompet Range (I.e)  
Office of Assistant Director of Drugs Control,  
DMS Campus,  
Teynampet,  
Chennai-600006.

..Respondent(s)

Prayer: This petition is filed under section 528 of BNSS, 2023 to set aside the diary order of issuing Non-bailable warrant dated 12.05.2023 issued in CC.No.524 of 2022 on the file of Chief Judicial Magistrate, Chengalpattu against the petitioners/Accused 4 and 5



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For Petitioner(s):

Mr.A.E.Ravichandran

For Respondent(s):

Mr.R.Rajasekaran,  
Counsel for Government of Tamil Nadu(Crl side)

### **ORDER**

The prayer is to set aside the docket order dated 12.05.2023 made in C.C.No.524 of 2022 on the file of the Chief Judicial Magistrate, Chengalpattu.

2. Upon hearing the learned counsel for the petitioner and perusing the materials on record, it can be seen that the petitioners are accused in CC No.524 of 2022. Earlier the quash application filed by them in Crl.O.P.No. 15650 of 2023 stands dismissed by order dated 26.03.2025. Even thereafter when the petitioners did not appear, the non bailable warrant came to be issued against them. The petitioners therefore filed an application to recall the NBW by dispensing with their appearance and the same is not now entertained on account of the fact that the petitioners did not appear before the Court physically and also by mentioning that correct provisions of law is not mentioned.

3. The learned counsel for the petitioner would submit that correct provisions of law is mentioned and even with reference to the co-accused for the very same case, this Court was pleased to issue direction in Crl.O.P.No.5435 of 2026.



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4. *Per contra*, the learned counsel for Government of Tamil Nadu would submit that the petitioners neither appeared before the Trial Court even after the dismissal of the Criminal Original Petition and therefore the warrant is issued and the same is now sought to be executed. The application is filed in *absentia* and therefore not entertained by the Trial Court.

5. Considering the grievance i.e expressed by the learned counsel for the petitioners and considering the directions that are issued in respect of other co-accused in Crl.O.P.No.5435 of 2026, this Criminal original petition is disposed of on the following terms:

(a) Within a period of two weeks from the date of receipt of the web-copy of the order, the petitioner shall surrender before the Trial Court and press for hearing of the recall of the warrant.

(b) The application can be taken up on the same day and in view of the observations made in Crl.O.P.No.5435 of 2026, with reference to these petitioners also, the Trial Court shall consider recalling the warrant positively and orders shall be passed on the same day positively.



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6. With the above observations and directions, this Criminal Original petition stands disposed of. Consequently, the connected miscellaneous petitions is closed.

**06-07-2026**

Neutral Citation: Yes/No

SMN

To.

1. The Drug Inspector,  
Kancheepuram-I Range/Chrompet Range (ie)  
Office of Assistant Director of Drugs Control,  
DMS Campus, Teynampet, Chennai-600006.

2. The Public Prosecutor, High Court Madras



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**D.BHARATHA CHAKRAVARTHY, J.**

**SMN**

**CRL OP No. 17201 of 2026**

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