



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17880 of 2026

Shaji Purushothaman
S/o. Purushothaman,
No.59, Harris Road, Pudupet,
Chennai-600 002.

..Petitioner(s)

Vs

Assistant Commissioner of Police
Traffic Investigation, West, Anna Nagar,
Chennai-40,
(D-6 Anna Square Traffic Investigation)
Crime No. 354 of 2013.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records relating to the order dated 29.06.2026 passed in M.P.No.19 of 2026 in S.C.No.19 of 2014 on the file of the learned VII Additional District and Sessions Judge, Chennai, insofar as dismisses the petition filed under Section 355 of the BNSS, 2023 and issues a Non-Bailable Warrant against the petitioner/Accused No.1, and set aside the same, and consequently permit the petitioner to file his affidavit on the question of sentence before the learned Trial Court on the date to be fixed by this Honble Court, and pass orders on the question of Sentence in accordance with law and thus render Justice.

For Petitioner(s):

Mr.V.Raghavachari, Senior Counsel
for Mr.D.Murugan

For Respondent(s):

Mr.R.Rajasekaran
Government Advocate (Criminal Side)

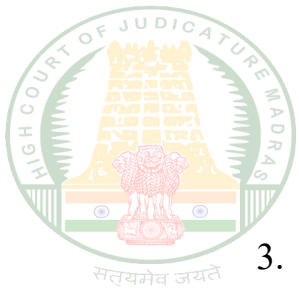


ORDER

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This Criminal Original Petition has been filed challenging the procedure adopted by the learned VII Additional District and Sessions Judge, Chennai. It is stated that on 29.06.2026, when the matter was posted for pronouncement of judgment, the petitioner sought to file a petition under Section 317 Cr.P.C. seeking exemption from personal appearance. However, the said petition was not accepted. The petition under Section 317 Cr.P.C. was dismissed and the judgment was pronounced holding the petitioner guilty. The trial Court further directed the execution of a Non-Bailable Warrant and ordered the production of the petitioner before the Court for questioning on the issue of sentence.

2. The learned Senior Counsel appearing for the petitioner, by drawing the attention of this Court to the medical certificate produced by the petitioner, submitted that when the petitioner had duly filed an application seeking exemption from appearance, the trial Court ought to have allowed the same. It was further contended that, even otherwise, if the trial Court had insisted upon the petitioner's presence, the petitioner would have appeared either on the very next day or through video conferencing. According to the learned Senior Counsel, without adopting any of the permissible courses available in law, the trial Court erred in dismissing the petition filed under Section 317 Cr.P.C.



3. I have carefully considered the submissions made by the learned Senior Counsel appearing for the petitioner. In view of Section 353(7) Cr.P.C., since, one learned counsel for the accused is present, and the accused himself sought permission to dispense with his presence, the judgment is in order. Considering the nature of medical certificate produced, in which it can be seen that the accused is only advised physiotherapy for back pain and rest. The trial Court had proceeded to consider the excuse as lame dismissed the petition.

4. Be that as it may, considering the facts and circumstances of the case, and having regard to the fact that the petitioner has now been found guilty and that the matter is posted for questioning the petitioner on the issue of sentence and for passing appropriate orders with regard thereto, this Court is of the view that its extraordinary jurisdiction can be exercised in the interests of justice. Accordingly, the Non-Bailable Warrant issued against the petitioner shall stand recalled. The petitioner shall appear before the trial Court on 16.07.2026 for the purpose of being questioned on the issue of sentence and for further proceedings relating thereto.

5. The petitioner shall, without fail, appear before the trial Court on 16.07.2026.



6. In the meantime, the submission made by the learned Senior Counsel for the petitioner that the petitioner's passport is presently in the custody of the trial Court is recorded.

7. Accordingly, this Criminal Original Petition stands allowed.

09-07-2026

Neutral Citation: Yes/No

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To

1. The Assistant Commissioner of Police,
Traffic Investigation, West, Anna Nagar,
Chennai-40,
(D-6 Anna Square Traffic Investigation)
2. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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