



Crl.OP(MD) Nos. 15070 & 15072 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)Nos. 15070 & 15072 of 2026

1. Mohamed Jailani

2. Insaf (Minor)

3. Ahamed Isab (Minor)

4. Mohamed Ifab (Minor)

... Petitioners

Vs

1. Thameem Ansari

2. State of Tamilnadu Rep by
Inspector of Police,
AWPS Keelakarai Police Station,
Ramanathapuram District.

...Respondents

COMMON PRAYER: Criminal Original Petitions is filed under Section 528 of BNSS Act, to set aside the returned docket order in Crl.M.P No. UN numbered of 2026 in Crl.M.P. Nos.1047 of 2025 and 1046 of 2026 (respectively) in M.C.No.48 of 2023, dated 27.02.2026 on the file of chief Judicial Magistrate, Ramanathapuram and to direct number and dispose the same on merits.

In both petitions:

For Petitioner : Mr.S.A.Syed Shaik Alaudeen

For Respondents : Mr.B.Arun (R2)
Government Advocate (Crl.Side)



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COMMON ORDER

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The present petitions in Crl.OP(MD) Nos.15070 and 15072 of 2026 have been filed challenging the two returned orders passed by the learned Chief Judicial Magistrate, Ramanathapuram, wherein, the request for petitioners to condone the delay and to restore petition in Crl.M.P.No. 7629 of 2024 have been returned.

2.Perusal of the records reveal that the petitioners had filed MC No. 48 of 2023 and final orders were passed on 28.03.2024. In order to execute the same, the petitioners had preferred an execution petition in Crl.M.P.No.7629 of 2024 and the same came to be dismissed for default on 22.08.2025.

3.The petitioners had filed Crl.M.P. No.1046 of 2025 seeking to condone the delay and another Crl.M.P. No.1047 of 2025 for restoration of the said application. In both these applications, the petitioners had filed a petition under Section 67 of BNSS, wherein, they had made a request for effecting paper publication on the respondent, on the ground that he is residing abroad. These two applications have been returned by the trial Court on the ground that when the respondent is residing abroad, the question of effecting paper publication in



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a local daily would not arise. Challenging these two returned orders, the present petitions have been filed.

4. According to the learned counsel appearing for the petitioners, the petitioners are entitled to effect paper publication in the locality, wherein, the respondent last resided and therefore, these two applications ought to have been numbered by the trial Court.

5. Heard the learned counsel appearing for the petitioners and perused the materials on record.

6. A perusal of Section 67 of BNSS reveals that it does not provide for effecting service to the respondent through paper publication but only by way of affixing the summons in the last known address of the respondent. In such circumstances, the trial Court had rightly returned the applications seeking permission to effect service through paper publication.

7. In such view of the matter, the petitioners are at liberty to file an appropriate application under Section 67 of BNSS to effect service upon the respondent as contemplated under the above said section. In case, if any such



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application is filed, the same shall be entertained by the learned Chief Judicial Magistrate, Ramanathapuram and orders may be passed on merits and in accordance with the law.

8. With the aforesaid observations, these Criminal Original Petition stand disposed of.

22.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PNM

To

1. The Chief Judicial Magistrate, Ramanathapuram

2. The Inspector of Police,
AWPS Keelakarai Police Station,
Ramanathapuram District.

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



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R.VIJAYAKUMAR, J.

PNM

COMMON ORDER MADE IN
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22.07.2026