



Crl.OP(MD) No.15347 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.15347 of 2026
and Crl.MP(MD) No.14907 of 2026

S. Rajeshkumar

... Petitioner

Vs

The State of Tamilnadu Rep
By the Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records relating to the proclamation dated 24.01.2026 issued under Section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in SC.No. 247 of 2024 on the file of the learned Additional District and Sessions Judge, Kuzhithurai and set aside the said proclamation in exercise of the inherent powers under Section 528 of BNSS, 2023.

For Petitioners : Mr.P.Rajesh

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



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ORDER

The present petition has been filed by the third accused in SC No. 247 of 2024 on the file of Additional District and Sessions Judge, Kuzhithurai, seeking a direction to set aside the Proclamation Order, 24.01.2026, issued under Section 82 of Cr.P.C.

2. According to the learned counsel appearing for the petitioner, he has been charged with the offence under Sections 147, 148, 341, 294(b), 323, 324 and 307 IPC and Section 4 of Tamil Nadu Property (Prevention of Damage and Loss) Act and charge sheet has been laid before the Additional District and Sessions Judge, Kuzhithurai. The petitioner is residing abroad. NBW has been issued by the concerned Court on 15.09.2022. Since NBW could not be executed, a proclamation order has been issued on 24.01.2026 by the concerned Court.

3. According to the learned counsel appearing for the petitioner, he made an attempt to surrender before the concerned Court. However, in view of a resolution passed by the Kuzhithurai Bar Association, none of the advocates are appearing on his behalf. He further submits that the defacto complainant is



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an Advocate and therefore, he finds it difficult to engage a counsel from the Kuzhithurai Bar Association.

4.The learned counsel appearing for the petitioner submits that he is ready to surrender before any other Court and the NBW as well as the Proclamation order may be recalled.

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

6.Considering the grievances expressed by the petitioner herein, the Proclamation order, dated 24.01.2026 in SC No.247 of 2024 on the file of learned Additional District and Sessions Judge, Kuzhithurai is hereby set aside. The petitioner is directed to surrender on or before **03.08.2026** before the learned Principal District and Sessions Judge, Nagercoil. On his appearance, the NBW shall be recalled by the Court. The petitioner is directed to co-operate for the trial. In case, the petitioner still faces any hurdle in engaging a counsel before the Bar Association, Kuzhithurai, he is at liberty to approach the jurisdictional Court seeking transfer of the case from Kuzhithurai.



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7. With the aforesaid observations, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

24.07.2026

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

To

1. The Principal District and Sessions Judge, Nagercoil
2. The Additional District and Sessions Judge, Kuzhithurai
3. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
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and Crl.MP(MD) No.14907 of 2026

24.07.2026