



Crl.O.P.No.17296 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17296 of 2023

G.Stephen @ Stephenraj

.. Petitioner

Vs.

State by : The Inspector of Police,
F-5 Chulaimedu Police Station,
Chennai – 600 094.
(Crime No.764 of 2012)

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to recall the NBW issued on 13.06.2023 against the petitioner in S.C.No.103 of 2021 on the file of the VII Additional Sessions Court, Chennai in Cr.No.764 of 2012 on the file of the respondent police Station.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



Crl.O.P.No.17296 of 2023

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ORDER

This petition has been filed to recall the non-bailable warrant issued against the petitioner on 13.06.2023 by the VII Additional Sessions Court, Chennai in SC No.103 of 2021.

2. Heard Mr.P.Pugalenth, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.

3. It is seen from records that the Sessions case is now at the stage of trial and it was posted for hearing on 01.06.2023. On that day, the petitioner was not present before the Court and hence, the Trial Court issued non bailable warrant against the petitioner. The petitioner filed an application for recalling the non-bailable warrant on 08.06.2023. The petitioner surrendered and the trial court recalled the non-bailable warrant. While recalling the non-bailable warrant, the Trial Court imposed a condition that the petitioner should appear on all further hearings without fail and posted the case on 13.06.2023. When the matter was taken up on



Crl.O.P.No.17296 of 2023

13.06.2023, the petitioner was once again absent and the counsel had filed a petition under Section 317 of CR.PC. The Court below dismissed this petition and issued non-bailable warrant against the petitioner.

4. In the considered view of this Court, when the Court below has already recalled the non-bailable warrant and had directed the petitioner to appear during all hearings without fail, the petitioner cannot remain absent from the Court during the very next hearing. In view of the same, this Court is not inclined to pass any orders in this criminal original petition. It is left open to the petitioner to surrender before the Court below and seek for necessary relief.

5. This Criminal Original petition stands disposed of.

02.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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Crl.O.P.No.17296 of 2023

To
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1. The Inspector of Police,
F-5 Chulaimedu Police Station,
Chennai – 600 094.
2. The VII Additional Sessions Court, Chennai.
3. The Public Prosecutor
High Court of Madras,
Madras.



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Crl.O.P.No.17296 of 2023

N.ANAND VENKATESH, J

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Crl.O.P.No.17296 of 2023

02.08.2023