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CrI.O.P.No.29400 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

CrI.O.P.No.29400 of 2024

Gopinath

... Petitioner

Vs.

The State represented by

The Inspector of Police

D-6, Anna Square,

Traffic Investigation Wing-Anna Square

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 528 BNSS, to set aside the order in CrI.M.P.No.66970 of 2024 in C.C.No.2062 of 2020 passed by the learned VI Metropolitan Magistrate, Egmore, dated 08.11.2024.

For Petitioners : Mr.P.N.Vignesh

For Respondents : Mr.S.Sugendran  
Additional Public Prosecutor

### **ORDER**

The petitioner is the sole accused in C.C.No.2062 of 2020 and is facing trial for offences under Sections 279 and 338 of the Indian Penal Code. During the course of the trial, due to the petitioner's non-appearance, a non-bailable warrant was issued. On 08.11.2024, the petitioner surrendered and sought recall of the warrant. The learned Magistrate, vide order in CrI.M.P.No.66970 of 2024 in C.C.No.2062 of 2020, dated 08.11.2024, recalled the warrant and imposed a condition for the petitioner to appear before the



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trial court for 15 days. For better appreciation, the order is extracted hereunder:-

*Accused present. Surrender accepted. Petition filed under Section 70(2) of Cr.P.C. stating that suffering illness without proof of medical records. This matter is pending for the past 4 years. Further, the same the accused presence is necessary for the process. Hence by due to the above reason, the Warrant is cancelled with condition and the accused is directed to sign 10.00 a.m. in the Court for 15 days.*

Aggrieved by the said order dated 08.11.2024, the petitioner has filed this criminal original petition.

2. It is admitted that the petitioner did not appear before the trial court as directed, resulting in the issuance of a non-bailable warrant. However, after the petitioner surrendered before the trial court, the trial court generously accepted the surrender and recalled the warrant, subject to the condition that the petitioner must sign in the court at 10:00 a.m. for 15 consecutive days. Considering the facts and circumstances of the case, including the conduct of the petitioner, this court is not inclined to interfere with the order passed by the trial court. Accordingly, the criminal original petition is dismissed.

**25.11.2024**

Index : Yes/No  
Neutral Citation Case : Yes/No  
Speaking Order : Yes/No  
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To  
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- 1.The State represented by  
The Inspector of Police  
D-6, Anna Square,  
Traffic Investigation Wing-Anna Square
- 2.The VI Metropolitan Magistrate,  
Egmore,
3. The Public Prosecutor,  
High Court, Madras.



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**P.VELMURUGAN, J**

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