



WEB COPY



Crl.O.P.(MD)No.21823 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21823 of 2024

1.Sudhakar @ Nagarajan

2.Rengachari

.. Petitioners

Vs.

The State of Tamil nadu,
rep., by the Inspector of Police,
Town South Police Station,
Dindigul District.

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate Court No.III, Dindigul, to consider the petitioners' warrant recall petition on the same day of their surrender in connection with the case in PRC No.38/2023 pending on the file of the learned Judicial Magistrate Court No.III, Dindigul.

For Petitioner : Mr.M.Suresh

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor



Crl.O.P.(MD)No.21823 of 2024

ORDER

WEB COPY

The petitioners, who are A1 and A3 in PRC.No.38 of 2023, had filed this petition seeking a direction to the committal Magistrate to consider the petitioners' recall of warrant petition on the same day of their surrender.

2. The contention of the petitioners is that the petitioners earlier obtained an anticipatory bail before this Court in Crl.O.P(MD).No.14226 of 2016. This Court by order dated 16.08.2016 granted anticipatory bail directing the petitioners to execute surety within a period of 15 days from the date of receipt of copy of the order. Thereafter, the petitioners are not sure whether the condition of earlier anticipatory bail had been complied with. In the meanwhile, the respondent police had filed a charge sheet seeking for summons and thereafter, on receipt of summon, the petitioners had appeared on 01.07.2024 and A2 was produced through PT warrant and case was adjourned to 15.07.2024. On 21.10.2024, A1 and A3 were unable to appear and Section 317 Cr.P.C. Petition filed to condone the absence. The committal Court finding that due to the absence of petitioners, case could not be committed and hence, issued NBW and adjourned the case to 29.10.2024. Now, apprehending that the petitioners



filed recall of warrant petition, the same could not be considered. Hence, the above petition.

3. The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that A2 had appeared on 09.12.2024 and NBW issued against him has been recalled. As regards A1 and A3, Non-Bailable Warrant is pending and the case is posted on 16.12.2024.

4. The learned counsel for the petitioners, on instructions, submitted that the petitioners are ready to appear on 16.12.2024.

5. In view of the above, this Court directs the petitioners to appear before the learned Judicial Magistrate No.III, Dindigul, on **16.12.2024** and on that day, the recall of Non-Bailable Warrant petition to be considered as well as committal to be done on the same day, without bail. The petitioners to ensure the presence of A2. It is made clear that in the event of any of the accused are absent and for any reason, the committal is being delayed, the learned Magistrate can take coercive action against the petitioners, even keeping the accused in prison, till the committal is completed.



Crl.O.P.(MD)No.21823 of 2024

WEB COPY

6. With the above direction, this Criminal Original Petition is allowed.

11.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk

Note : Issue order copy on 13.12.2024

To

- 1.The Judicial Magistrate Court No.III, Dindigul.
- 2.The Inspector of Police,
Town South Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21823 of 2024

M.NIRMAL KUMAR,J.

Rmk

Crl.O.P.(MD)No.21823 of 2024

11.12.2024