



CrI.O.P.No. 4551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No. 4551 of 2025

Asif P.C.M

.... Petitioner

Vs

State By Inspector of Police
CCB Police Station,
Tiruppur District.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the returned docket order made in CrI.M.P.(SR)No.5193 of 2024 dated 24.12.2024 by Judicial Magistrate No-I at Tiruppur and direct the learned Magistrate to entertain the petition for recall of warrant without insisting the physical presence of the petitioner.

For Petitioner : Mr.J.Franklin
For Respondent : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed challenging the docket order dated 24.12.2024 made in CrI.M.P.(SR)No.5193 of 2024 by the Judicial Magistrate No.I, Tiruppur, thereby returned the application to recall the Non-Bailable Warrant.

2. Heard the learned counsel appearing on either side and perused



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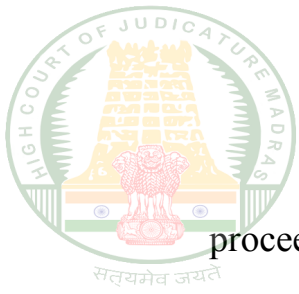
the materials available on record.

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3. The petitioner is an accused in C.C.No.201 of 2018 on the file of the Judicial Magistrate No.I, Tiruppur and is facing trial for the offence punishable under Section 420 of IPC. Though the petitioner was served with summons, he failed to appear before the Trial Court. Therefore, the Trial Court issued a Non-Bailable Warrant. In order to recall the said warrant on medical grounds, the petitioner filed an application without surrendering before the Court.

4. The learned counsel appearing for the petitioner would submit that the petitioner has been suffering from a lumbo spine injury and had undergone surgery. He further submitted that the petitioner has been under continuous medical treatment since the year 2013.

5. A perusal of the medical records produced by the petitioner reveals that all the medical records pertaining to the year 2013 and 2015. The petitioner had taking treatment even before taking cognizance of the final report filed by the respondent. However, there are no records after 2015 to show that the petitioner is bedridden or unable to attend the Court



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proceedings. Therefore, the Trial Court rightly returned the application filed by the petitioner to recall the Non-Bailable Warrant without surrendering.

6. In view of the above, this Court finds no infirmity or illegality in the docket order dated 24.12.2024 made in Crl.M.P.(SR)No.5193 of 2024 by the Judicial Magistrate No.I, Tiruppur. Accordingly, this Criminal Original Petition stands dismissed.

20.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1. The Judicial Magistrate No.I,
Tiruppur.

2. The Inspector of Police
CCB Police Station,
Tiruppur District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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