



Crl.O.P.No.4523 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.4523 of 2025

M.Palanisamy

....

Petitioner

Vs

1.The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell (D.C.B)
Salem, Salem District.
Crime No.17 of 2013.

2.The State rep. by
The Sub Inspector of Police,
District Crime Branch,
Salem.
Crime No.17 of 2013.

3.D.Senthil Kumar

....

Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharathiya Nagrik Suraksha Sanhitha, 2023, direction to the Special Court for Trial of Cases under SC/ST Act, Salem to receive the recall petition dated 05.12.2024 filed under Section 72(2) of BNSS and recall the NBW without insisting the petitioner to surrender in connection with a case in Spl.S.C.No.26 of 2019 on the file of the Special Court for Trial of Cases under SC/ST Act, Salem.



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For Petitioner : Mr.D.Balachandran
For R1 & R2 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the Special Court for Trial of Cases under SC/ST Act, Salem, to receive the recall petition dated 05.12.2024 filed under Section 72(2) of BNSS and recall the NBW without insisting the petitioner to surrender in connection with a case in Spl.S.C.No.26 of 2019 on the file of the Special Court for Trial of Cases under SC/ST Act, Salem.

2. The learned counsel for the petitioner would submit that the petitioner is arrayed as A6. The petitioner was unable to appear before the Trial Court and as such, a Non-Bailable Warrant was issued as against the petitioner. That apart, the petitioner had undergone eye surgery and as such, he could not able to surrender before the Trial Court to file an application for recalling the warrant. When the Non-Bailable Warrant is pending as against the petitioner, it is necessary for the petitioner to appear before the Trial Court, surrender and file an application to recall the Non-Bailable Warrant.



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3. In view of the above, without the presence of the petitioner,

the Non-Bailable Warrant cannot be recalled. Hence, this Criminal

Original Petition stands dismissed.

19.02.2025

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Index: Yes/No

Internet: Yes/No

To

1. The Special Court for Trial of Cases under SC/ST Act,
Salem.

2. The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell (D.C.B)
Salem, Salem District.
Crime No.17 of 2013.

3. The Sub Inspector of Police,
District Crime Branch,
Salem.

4. The Public Prosecutor,
High Court, Madras.



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