



Crl.O.P.No.7409 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM:

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

Crl.O.P.No.7409 of 2025
and Crl.M.P.Nos.4721 and 4722 of 2025

1. Uliyan Leathers Industries
Rep By Its Managing Partner,
Mohammed Naveed Saifullah

2. Mohammed Naveed Saifullah
3. Rizwana Begum
4. Rubeena Tazeen

... Petitioners

Vs

E.D.Sasi Kumar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 482 of Cr.P.C, to set aside the order of dismissal in Crl.M.P.No.1421 of 2024 in STC No.22 of 2020 dated 07.12.2024 on the file of the file of Hon'ble Fast Track Court, Magisterial Level, Tiruvallur, Tiruvallur district.

For Petitioners : Mr.G.Mohammed Aseef

ORDER

This Criminal Original Petition has been filed to set aside the order of dismissal in Crl.M.P.No.1421 of 2024 in STC No.22 of 2020 dated 07.12.2024 on the file of the Fast Track Court, Magisterial Level, Tiruvallur, Tiruvallur



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district.

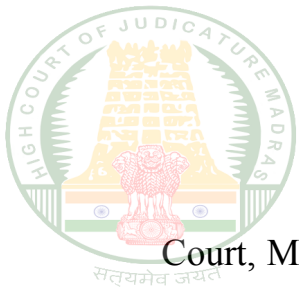
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2. The petitioners are facing trial in S.T.C.No.22 of 2020, on the file of the Fast Track Court, Magisterial Level, Tiruvallur, Tiruvallur district and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 07.12.2024.

3. The learned counsel appearing for the petitioners would submit that due to health conditions, they were unable to appear before the Fast Track Court, Magisterial Level, Tiruvallur, Tiruvallur district, in respect of the case in S.T.C.No.22 of 2020 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither wilful nor wanton and he undertakes that the petitioners 2 to 4 shall appear before the Court below regularly on all future hearing dates without fail.

4. Heard the learned Counsel appearing on either side and perused the materials placed on record.

5. Considering the undertaking given by the learned counsel for the petitioners, the petitioners 2 to 4 are directed to appear before the Fast Track



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Court, Magisterial Level, Tiruvallur, Tiruvallur district, on the next hearing and to file a petition under Section 72(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, to recall NBW already issued against them. On filing of such petition, the concerned learned Magistrate is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

6. It is made clear that while considering the petition to recall NBW, the Court below shall bear in mind about the period of Non Bailable Warrant and any crime committed while pending Non Bailable Warrant. Mere direction issued by this Court to consider the application on the same day, does not amount to direction to consider the recall petition favourably.

7. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous petitions are closed.

14.03.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn

G.K.ILANTHIRAIYAN. J.

mn



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To

1. The Fast Track Court, Magisterial Level,
Tiruvallur, Tiruvallur district.
2. The Public Prosecutor,
High Court, Madras.

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