



Crl.O.P.No.6465 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

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

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S.Rajkumar

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Petitioner

Vs

The India Cements Limited Rep By Its
Authorised Person N.G.Jayakumar,
Register Office At No.827, Dhun Building,
Mount Road, Chennai-600 002.

Corporate Office
At Coromandel Towers,
93, Santhome High Road, Karpagam Avenue,
Raja Annamalai Puram,
Chennai-600 028.

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Respondent

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2025, to direct the Honble Metropolitan Magistrate Fast Track Court-I, Allikulam, Egmore, to consider the petition recall the non-bailable warrant issued against the petitioner on 12.11.2024 in C.C No.6950 of 2019.

For Petitioner : Mr.N.Chandran

ORDER

This Criminal Original petition has been filed to direct the Metropolitan Magistrate Fast Track Court-I, Allikulam, Egmore, to recall



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the non-bailable warrant issued against the petitioner in C.C No.6950 of 2019 on the date of surrender before the trial court.

2. The petitioner is facing trial in C.C No.6950 of 2019 on the file of the Metropolitan Magistrate Fast Track Court-I, Allikulam, Egmore for the offences punishable under Sections 138 and 142 of Negotiable Instruments Act r/w Section 200 of Cr.P.C, and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 12.11.2024.

3. The learned counsel appearing for the petitioner would submit that the petitioner was unaware of C.C.No.6950 of 2019 and no notice or bailable warrant was served on the petitioner. The petitioner, now, came to know about the same. Hence, he was unable to appear before the Metropolitan Magistrate Fast Track Court-I, Allikulam, Egmore, in respect of the case in C.C.No.6950 of 2019. Due to non appearance of the petitioner, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither wilful nor wanton and he undertakes that the petitioner 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.



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5. Considering the undertaking given by the learned counsel

WEB COM for the petitioner, the petitioner is directed to appear before the learned Metropolitan Magistrate Fast Track Court-I, Allikulam, Egmore 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 him. 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 direction, this Criminal Original Petition is disposed of.

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Index:Yes/No
Internet:Yes/No



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G.K.ILANTHIRAIYAN,J.

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To

The Metropolitan Magistrate Fast Track Court-I,
Allikulam, Egmore.

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