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CrI.O.P.No.6472 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

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

CrI.O.P.No.6472 of 2025

P.Balachandran Petitioner

Vs

S.Chandrasekaran Respondent

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2025, to direct the learned Judicial Magistrate, Fast Track Court at Magisterial Level-I, Coimbatore to consider the petition to recall the Non Bailable Warrant issued as against this petitioner on 04.01.2021 in C.C No.496 of 2020.

For Petitioner : Mr.M.N.Balakrishnan

ORDER

This Criminal Original petition has been filed to direct the Judicial Magistrate, Fast Track Court at Magisterial Level-I, Coimbatore, to recall the non-bailable warrant issued against the petitioner in C.C No.496 of 2020 on the date of surrender before the trial court.



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2. The petitioner is facing trial in C.C No.496 of 2020 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level-I, Coimbatore, for the offences punishable under Sections 138 and 142 of Negotiable Instruments Act, and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 04.01.2021.

3. The learned counsel appearing for the petitioner would submit that due to illness, he was unable to appear before the Judicial Magistrate, Fast Track Court at Magisterial Level-I, Coimbatore, in respect of the case in C.C.No.496 of 2020 and hence, 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.

5. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate, Fast Track Court at Magisterial Level-I, Coimbatore,



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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.

07.03.2025

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Index: Yes/No
Internet: Yes/No

To

The Judicial Magistrate, Fast Track Court at Magisterial Level-I,
Coimbatore



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G.K.ILANTHIRAIYAN,J.

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