



Crl.O.P.No.8196 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM:

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

Crl.O.P.No.8196 of 2025

Selvaraj.T

... Petitioner

Vs.

M/s.Bajaj Finance Limited
Rep. by its power of attorney agent
K.K.Nandhini Priya
Unit 804-806, 8th Floor, Delta Wing,
Raheja Towers, No.177, Anna Salai,
Chennai 600 002

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the learned FTC-I Metropolitan Magistrate, Egmore at Allikulam to recall the warrant issued against the petitioner in CC.No.3245 of 2021 on the file of the learned FTC-I Metropolitan Magistrate, Egmore at Allikulam dated 11.11.2024.

For Petitioner : Mr.U.Kathiravan



Crl.O.P.No.8196 of 2025

WEB COPY

ORDER

This Criminal Original petition has been filed to direct the learned FTC-I Metropolitan Magistrate, Egmore at Allikulam to recall the non-bailable warrant issued against the petitioner in CC.No.3245 of 2021 on the date of surrender before the trial court.

2. The petitioner is facing trial in CC.No.3245 of 2021 on the file of the learned FTC-I Metropolitan Magistrate, Egmore at Allikulam for the offences punishable under Section 138 of NI Act, and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 11.11.2024.

3. The learned counsel appearing for the petitioner would submit that since the petitioner was hospitalized on that date, he was unable to appear before the learned FTC-I Metropolitan Magistrate, Egmore at Allikulam, in respect of the case in CC.No.3245 of 2021 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither wilful nor wanton



Crl.O.P.No.8196 of 2025

WEB COPY

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 for the petitioner 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 FTC-I Metropolitan Magistrate, Egmore at Allikulam, 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



Crl.O.P.No.8196 of 2025

WEB COPY

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.

20.03.2025

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



Crl.O.P.No.8196 of 2025

WEB COPY

To

1.The learned FTC-I Metropolitan Magistrate,
Egmore at Allikulam
2.K.K.Nandhini Priya,
Power of attorney agent,
M/s.Bajaj Finance Limited
Unit 804-806, 8th Floor, Delta Wing,
Raheja Towers, No.177, Anna Salai,
Chennai 600 002



WEB COPY



Crl.O.P.No.8196 of 2025

G.K.ILANTHIRAIYAN, J.

lok

Crl.O.P.No.8196 of 2025

20.03.2025