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Crl.O.P.No.13859 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13859 of 2025

C.Chandrasekar @ Sekar

... Petitioner

Vs

The State Rep. by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.355 of 2014)

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.N.S., to direct the learned Judicial Magistrate No.1, Udumalpet to consider and pass orders on the petition filed under Section 72(2) for recalling the Non-Bailable Warrant issued dated 10.02.2025 in C.C.No.355 of 2014 on the file of the learned Judicial Magistrate Court No.1, Udumalpet.

For Petitioner : Mr.R.Esakkiraja

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original petition has been filed to direct the learned Judicial Magistrate No.1, Udumalpet to consider and pass orders on the petition filed under Section 72(2) for recalling the Non-Bailable Warrant issued dated 10.02.2025 in C.C.No.355 of 2014.

2. The petitioner is facing trial in C.C.No.355 of 2014.on the file of the learned Judicial Magistrate No.1, Udumalpet offences punishable under Sections 392 r/w 34 of IPC and 109 of IPC, and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 10.02.2025.

3. The learned counsel appearing for the petitioner would submit that since the petitioner has been regularly appearing before the learned Judicial Magistrate No.1, Udumalpet. While so, for his absence on 10.02.2025, a Non Bailable Warrant has been issued against him and is pending. He would further submit that the said absence is neither wilful nor wanton and he undertakes that the petitioner shall appear before the Court



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below regularly on all future hearing dates without fail.
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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 No.1, Udumalpet, 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 Nonailable Warrant and any crime committed while pending Nonailable 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.



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7. With the above direction, this Criminal Original Petition is disposed of.

30.04.2025

Index: Yes/No
Neutral Citation/Yes/No
kv

To

1. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
2. The Judicial Magistrate No.1, Udumalpet.
3. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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