



Crl. O.P. No. 10643 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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Dinesh @ Dinesh Kumar

... Petitioner

Vs

State Rep. by
The Inspector of Police,
Baluchetty Chathram Police Station,
Kancheepuram District.
(Cr. No.492 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the learned Sub Court, Kancheepuram, to recall the Non-Bailable Warrant issued against the petitioner/Accused No.1 in S.C.No.123 of 2022 in Cr.No.492 of 2019 on the file of the learned Sub Court, Kancheepuram on the same day.

For Petitioner : Mr. G. Prabhakaran

For Respondent : Mr. R. Vinoth Raja,
Government Advocate (Crl. Side)



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ORDER

This Criminal Original petition has been filed to direct the learned Sub Court, Kancheepuram to recall the non-bailable warrant issued against the petitioner in S.C. No. 123 of 2022 on the date of surrender before the trial court.

2. The petitioner is facing trial in S.C. No. 123 of 2022 on the file of the learned Sub Court, Kancheepuram for the offences punishable under Sections 341, 294(b), 392, 397 and 506(ii) of IPC and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 21.02.2025.

3. The learned counsel appearing for the petitioner would submit that since the petitioner is not well and taking treatment for Appendicitis, he was unable to appear before the learned Sub Court, Kancheepuram, in respect of the case in S.C. No. 123 of 2022 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.



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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 Sub Court, Kancheepuram, 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.



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Index: Yes/No

Neutral Citation : Yes/No

AT

To

1. The Sub Court, Kancheepuram.
2. The Inspector of Police,
Baluchetty Chathram Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN. J,

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