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Crl.O.P.No.9393 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM:

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

Crl.O.P.No.9393 of 2025

Dinesh @ Dinesh Kumar

... Petitioner

Vs.

1.State Rep. by
Inspector of Police,
Siva Kanchi Police Station,
Kancheepuram District
(cr.No.453 of 2018)

.. 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 SC.No.125 of 2022 in crime No.453 of 2018 on the file of the learned Sub Court, Kancheepuram on the same day.

For Petitioner : Mr.G.Prabhakaran

For Respondent : Mr.A.Gopinath,
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 / accused No.1 in SC.No.125 of 2022 in crime No.453 of 2018 on the file of the learned Sub Court, Kancheepuram on the same day.

2. The petitioner is facing trial in S.C.125 of 2022 on the file of the learned Sub Court, Kancheepuram for the offences punishable under Sections 294(b), 307, 392, 397, 506(ii) of IPC and 25(1) of ARMS Act, 1959 r/w 3(1) of Prevention of Damange to Public Property Act, 1992, and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 28.02.2025.

3. The learned counsel appearing for the petitioner would submit that since the petitioner was taking medical treatment, he was unable to appear before the learned Sub Court, Kancheepuram, in respect of the case in S.C.125 of 2022 and hence, non bailable warrant has been



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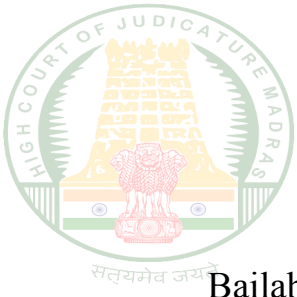
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issued against the petitioner. He would further submit that the said absence is neither wilful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

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 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



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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.

28.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- To
- 1.The learned Sub Court, Kancheepuram
 - 2.Inspector of Police,
Siva Kanchi Police Station,
Kancheepuram District
 3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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