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CrI.O.P.No. 10454 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM:

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

CrI.O.P.No. 10454 of 2025

Dinesh Alias Dinesh Kumar

..... Petitioner

Vs

State Rep By
Inspector of Police,
Walajabad Police Station,
Kancheepuram District.
Cr.No.423 of 2023

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the Learned Principal District and Sessions Court, Kancheepuram to recall the Non-Bailable warrant issued dated 20.2.2025 against the petitioner/Accused No.1 in S.C.No.53 of 2024 in Cr.No.423 of 2023 on the file of the Learned Principal District and Sessions Court, Kancheepuram on the same day.

For Petitioner : Mr.G.Prabhakaran

For Respondent : Mr.A.Gopinath

Government Advocate (CrI.Side)

ORDER

This Criminal Original petition has been filed seeking a direction to the learned Principal District and Sessions Judge, Kancheepuram, to



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recall the Non-bailable Warrant issued against the petitioner in S.C.No.53 of 2024 on the date of surrender before the Trial Court.

2. The petitioner is facing trial in S.C.No.53 of 2024 on the file of the learned Principal District and Sessions Judge, Kancheepuram for offences punishable under Sections 294(b), 387, 392, 307, 506(ii) of IPC r/w 3(1) of Prevention of Damage to Public Property Act, 1992, and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 20.02.2025.

3. The learned counsel appearing for the petitioner would submit that due to illness of the petitioner, he was unable to appear before the learned Principal District and Sessions Judge, Kancheepuram, in respect of the case in S.C.No.53 of 2024 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 Principal District and Sessions Judge, Kancheepuram, on the next hearing and to file a petition under Section 72(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, to recall Non-Bailable Warrant already issued against him. On filing of such petition, the concerned learned Principal District and Sessions Judge, Kancheepuram, 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 Non-Bailable Warrant, 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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7. With the above direction, this Criminal Original Petition is disposed of.

08.04.2025

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

1.The Principal District and Sessions Court,
Kancheepuram.

2.The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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