



Crl. O.P. No.10625 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

Crl. O.P. No. 10625 of 2025

Dinesh

... Petitioner

Vs

State Rep. by
The Inspector of Police,
Salavakkam Police Station,
Kancheepuram District.
(Cr. No.307 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to recall the Non-Bailable Warrant issued dated 13.08.2024 against the petitioner in P.R.C.No.37 of 2023 pending on the file of the learned District Munsit-cum-Judicial Magistrate Court, Uthiramerur.

For Petitioner : Mr. G. Prabhakaran

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



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ORDER

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This Criminal Original petition has been filed to direct the learned District Munsif cum Judicial Magistrate Court, Uthiramerur to recall the non-bailable warrant issued against the petitioner in PRC No.37 of 2023 on the date of surrender before the trial court.

2. The petitioner is facing trial in P.R.C.No.37 of 2023 on the file of the learned District Munsif cum Judicial Magistrate Court, Uthiramerur for the offences punishable under Sections 294(b), 387, 392, 307, 506(2) of IPC r/w 3(1) of Prevention of Damage to Public Property Act, 1994, and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 13.08.2024.

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 District Munsif cum Judicial Magistrate Court, Uthiramerur, in respect of the case in PRC No. 37 of 2023 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



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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 District Munsif cum Judicial Magistrate Court, Uthiramerur, 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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7. With the above direction, this Criminal Original Petition is disposed of.

07.04.2025

Index: Yes/No

Neutral Citation : Yes/No

AT

To

1. The District Munsif cum Judicial Magistrate Court,
Uthiramerur.
2. The Inspector of Police,
Salavakkam Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN. J,

AT

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