



WEB COPY



Crl.O.P.No.13324 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

CORAM:

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

Crl.O.P.No.13324 of 2025

Dhanapal

... Petitioner

Vs.

The Inspector of Police,
R.S.Puram Police Station,
Coimbatore City,
Coimbatore

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the learned Judicial Magistrate-I to recall the non bailable warrant issued against the petitioner in Crl.MP.No.30846 of 2024 dated 18.09.2024.

For Petitioner : Mr.G.Karuppasamy Pandian

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



Crl.O.P.No.13324 of 2025

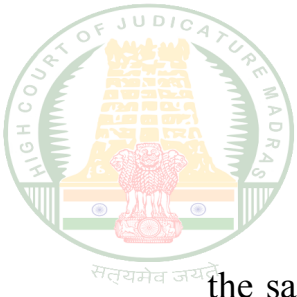
WEB COPY

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate-I, Coimbatore to recall the non bailable warrant issued against the petitioner in Crl.MP.No.30846 of 2024 dated 18.09.2024.

2. The respondent registered a criminal case against the petitioner in crime No.206 of 2024 for the offences punishable under Section 364A and 506(2) of IP @ 147, 148, 294(b), 324, 364A, 506(2) of IPC. Due to his non appearance to sign before the Judicial Magistrate-I, Coimbatore in respect of the order passed on 03.08.2024 in Crl.MP.No.4081 of 2024 by the learned Principal District Sessions Judge, Coimbatore, Non-bailable warrant was issued as against the petitioner on 18.09.2024.

3. The learned counsel appearing for the petitioner would submit that since the petitioner fell ill, he was unable to appear before the learned Judicial Magistrate-I, Coimbatore. He would further submit that



Crl.O.P.No.13324 of 2025

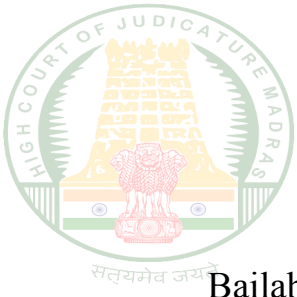
WEB COPY

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 Judicial Magistrate-I, Coimbatore within a period of two weeks from the date of receipt of copy of this order 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



Crl.O.P.No.13324 of 2025

WEB COPY

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.

29.04.2025

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



Crl.O.P.No.13324 of 2025

WEB COPY To

- 1.The learned Principal District Sessions Judge, Coimbatore
- 2.The Judicial Magistrate-I, Coimbatore
- 3.The Inspector of Police,
R.S.Puram Police Station,
Coimbatore City,
Coimbatore
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.13324 of 2025

G.K.ILANTHIRAIYAN, J.
lok

Crl.O.P.No.13324 of 2025

29.04.2025