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Crl.O.P.No.12808 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12808 of 2025

1. A.Lakshmi
2. K.N.Dharman

... Petitioners

Vs

Inspector of Police,
All Women Police Station,
Nagapattinam-Coimbatore-Gundlupet Hwy,
TNP Nagar, Thudiyalur,
Kurudampalayam,
Coimbatore – 641034.

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.S.S., to direct the Judicial Magistrate Additional Mahila Court at Coimbatore to recall the Non-Bailable Warrant pending against the petitioners/accused Nos.2 and 3 in C.C.No.3600045 of 2015 without insisting upon their physical presence.

For Petitioners : Mr.A.Jotheeswaran

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



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ORDER

This petition has been filed to direct the Judicial Magistrate Additional Mahila Court at Coimbatore to recall the Non-Bailable Warrant pending against the petitioners/accused Nos.2 and 3 in C.C.No.3600045 of 2015 without insisting upon their physical presence.

2. The petitioners are facing trial in C.C.No.3600045 of 2015 on the file of the Judicial Magistrate Additional Mahila Court at Coimbatore offences punishable under Sections 498A and 406 of IPC and due to their non-appearance, the trial Court issued Non-bailable warrant as against the petitioners on 21.03.2024.

3. The learned counsel appearing for the petitioners would submit that the first petitioner is diagnosed with Left Ventricular Dysfunction and Atrial Fibrillation, which severely impairs the functioning of her heart, leaves her with only 25% of normal heart function and the second petitioner, who also suffers from significant health issues, has been diagnosed with



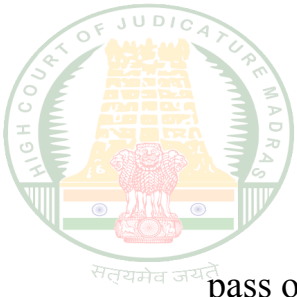
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Distended Urinary Bladder, Grade I Prostatomegaly, an enlarged prostate with hypointense nodules, and diabetes. Therefore, they were unable to appear before the Judicial Magistrate Additional Mahila Court at Coimbatore, in respect of the case in C.C.No.3600045 of 2015 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither wilful nor wanton and he undertakes that the petitioners will appear before the Court below through video conferencing 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 petitioners, the petitioners are directed to appear before the Judicial Magistrate Additional Mahila Court at Coimbatore through video conferencing, 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 them. On filing of such petition, the concerned Trial Judge is directed to consider the same on its own merits in accordance with law and



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pass orders on the same day.

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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.

7. With the above direction, this Criminal Original Petition is disposed of.

25.04.2025

Index: Yes/No
Neutral Citation/Yes/No
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Coimbatore – 641034.
2. The Judicial Magistrate Additional Mahila Court,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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