



Crl.O.P.No.13744 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13744 of 2025

1. Arun
2. Panneerselvam

... Petitioners

Vs

The State rep. by its
The Inspector of Police,
Chinnasalam Police Station,
Kallakurichi District.

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.N.S., to direct the Chief Judicial Magistrate, Kallakurichi to entertain the petition to recall the Non-Bailable Warrant dated 28.11.2024 and surrender petition of the petitioners and direct the trial Court to consider the petition to recall the non bailable warrant dated 28.11.2024 on the same day.

For Petitioners : Mr.Krishnasamy Chinnasamy

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 Chief Judicial Magistrate, Kallakurichi to recall the non-bailable warrant issued against the petitioners in S.C.No.205 of 2024 on the date of surrender before the trial court.

2. The petitioners are facing trial in S.C.205 of 2024 on the file of the learned Chief Judicial Magistrate, Kallakurichi for the offences punishable under Sections 294(b), 323, 326, 506(ii), 448 and 427 of IPC r/w Section 3 of the Tamil Nadu Public Property (Prevention of Destruction and Loss) Act, 1982, and due to their non appearance, the trial Court issued Non-bailable warrant as against the petitioners on 28.11.2024.

3. The learned counsel appearing for the petitioners would submit that since the petitioners have been regularly appearing before the learned Chief Judicial Magistrate, Kallakurichi. While so, for their absence on 28.11.2024, a Non Bailable Warrant has been issued against them and is pending. He would further submit that the said absence is neither wilful nor



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wanton and he undertakes that the petitioners 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 petitioners, the petitioners are directed to appear before the learned Chief Judicial Magistrate, Kallakurichi 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 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.

30.04.2025

Index: Yes/No
Neutral Citation/Yes/No
kv

To

1. The Inspector of Police,
Chinnasalam Police Station,
Kallakurichi District.
2. The Chief Judicial Magistrate, Kallakurichi
3. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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