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Crl.RC.No.1220 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2025

CORAM:

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

Crl.RC.No.1220 of 2025

Adhilakshmi

... Petitioner

Vs.

State of Tamil Nadu,
Represented by its,
The Inspector of Police,
Ashok Nagar,
Chennai
CC.No.24 of 2008

.. Respondent

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order in Crl.MP.No.245 of 2025 in CC.No.24 of 2008 by an order dated 20.06.2025 passed by the learned Special Judge under TNPID Act, Chennai and to recall the Non-Bailable Warrant issued dated 01.06.2007.

For Petitioner : Mr.M.N.Balakrishnan
for Mr.N.Arun Kumar

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



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ORDER

This Criminal Revision Case has been filed praying to set aside the order passed in Crl.MP.No.245 of 2025 in CC.No.24 of 2008 dated 20.06.2025 by the learned Special Judge under TNPID Act, Chennai and to recall the Non-Bailable Warrant dated 01.06.2007.

2. The petitioner is facing trial in CC.No.24 of 2008 on the file of the learned Special Judge under TNPID Act, Chennai and due to her non appearance before the trial court, non-bailable warrant was issued against her on 01.06.2007. It is seen that the petitioner had filed a petition under Section 72 of BNSS in Crl.MP.No.245 of 2025 before the trial court. However, the same has been dismissed on the ground that the petitioner did not appear before the trial court. The said order is challenged in this criminal revision case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is now ready to appear before the trial court to file a petition praying to recall the NBW.



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4. Heard the learned Counsel appearing on either side and perused the materials placed on record.

5. On perusal of records, it is revealed that the trial court has dismissed the petition filed under Section 72 of BNSS on the ground that the petitioner did not appear before the Court. However, considering the submission of the learned counsel for the petitioner, this Court is inclined to entertain this petition. Accordingly, the impugned order passed in Crl.MP.No.245 of 2025 in CC.No.24 of 2008 dated 20.06.2025 by the learned Special Judge under TNPID Act, Chennai is set aside. The petitioner is directed to appear before the learned Special Judge under TNPID Act, Chennai within a period of two weeks from today and to file a petition under Section 72(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, to recall NBW already issued against her. On filing of such petition, the learned Magistrate is directed to consider the same on its own merits in accordance with law and 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 Revision Case stands allowed.

28.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok
Note: Issue order copy on 28.07.2025



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WEB COPY To

- 1.The learned Special Judge under TNPID Act, Chennai
- 2.The Inspector of Police,
Ashok Nagar,
Chennai
- 3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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