



WEB COPY

CRL OP No. 26089 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26089 of 2025

and

CRL MP No.17711 of 2025

1. P.C.Udhayakumar

S/o. Chockalingam, No.8567, L.I.G.-1,
TN Housing Board, Ayyampakkam,
Chennai-600077.

Petitioner(s)

Vs

1. SHANMUGASUNDARAM

S/o. P.C. Neelakandan, No.2, 8th Street,
Gandhi Nagar, Kodungaiyur, Chennai-
600018.

Respondent(s)

PRAYER This Criminal Original Petition is filed under Section 528 of BNSS, to set aside the order dated 29.04.2025 passed by the XIII Small Causes Court, Chennai in Crl.M.P.No.84 of 2025 in S.T.C.No.546 of 2022, in so far as it imposes the conditions requiring the petitioners personal appearance and production of two sureties and direct the learned Magistrate to recall the NBW without insisting upon such conditions and permit the petitioner to be represented by his counsel under section 205 Cr.P.C.



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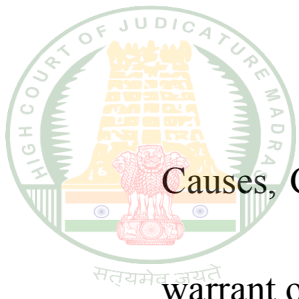
For Petitioner(s): Mr.P.R.Thiruneelakandan

ORDER

This Criminal Original Petition is filed to set aside the order dated 29.04.2025 passed by the learned XIII Judge, Small Causes Court, Chennai in CrI.M.P.No.84 of 2025 in S.T.C.No.546 of 2022, insofar as it imposed the conditions requiring the petitioner's personal appearance and production of two sureties and to direct the learned Magistrate to recall the NBW without insisting upon such conditions and permit the petitioner to be represented by his counsel under Section 205 Cr.P.C.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. Due to heart attack, the petitioner has undergone surgery. When he was represented by the counsel, Bailable warrant was issued on 22.8.2024. Thereafter, NBW has been issued. Hence, the petitioner filed a petition in CrI.M.P.No.84 of 2025 in STC NO.546 of 2022 seeking to recall NBW ordered against him on 09.12.2024 before the learned XIII Judge, Court of Small



Causes, Chennai. The learned Judge, vide order dated 29.4.2025, recalled the

warrant on condition to execute a bond for appearance for a sum of Rs.10,000/-

along with two sureties of like sum each on 30.04.2025.

4. The contention of the petitioner is that he is 70 years old and he is ready to cross-examine the witnesses at any point of time as fixed by the trial Court. The petitioner had also pleaded before the trial court about his health condition and produced the necessary documents. In such view of the matter, insisting the bond and production of surety will not be required at this stage. Hence, the condition to execute the sureties alone stands quashed. The petitioner is entitled to file a petition for recall of P.W.1. On filing of such application by the petitioner, the trial Court is directed to give an opportunity to the petitioner to cross examine P.W.1. The trial Court shall fix the date for recall of P.W.1 for cross examination. The cross examination should be completed on the same day as fixed by the trial Court. The trial Court also should take note of the medical records of the petitioner, while insisting the personal appearance of the petitioner.



5. With the abovesaid direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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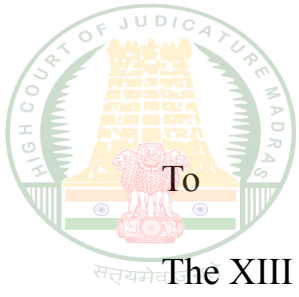
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The XIII Judge,

Small Causes Court, Chennai

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N.SATHISH KUMAR J.

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