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CRL OP No. 26625 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26625 of 2025

Vivek Prakash Mathur

Petitioner(s)

Vs

Rakesh Kanna

Respondent(s)

PRAYER

To set aside the order dated 04.08.2025 made in Crl.MP.No.10604/2025 in CC.No.8172/2017 on the file of the Learned Metropolitan Magistrate, Fast Track Court II, Egmore at Allikulam, Chennai and consequently direct the learned Magistrate to entertain the petition for recall of Non Bailable Warrant filed by the petitioner without insisting physical appearance of the petitioner.

For Petitioner(s): Mr.J.Kather Hussain



ORDER

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This petition has been filed seeking direction to the learned Magistrate to entertain the petition for recalling of Non Bailable Warrant filed by the petitioner without insisting his physical appearance.

2. It is the case of the petitioner that he was arrayed as accused in C.C.No.8172 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-II, Egmore at Allikulam, Chennai for the offence under Sections 138 and 142 of Negotiable Instruments Act. The Trial Court taking note of the fact that for the last 8 years, the petitioner has not appeared either in person or through video conference, NBW has been issued against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is a chronic heart patient and as per the advice of Doctor, he is taking bed rest. He further submitted that though the case is of the year 2017, after winding up of his business unit in Chennai, he received summons only on January 2025.



4. In view of the above submissions, taking note of the health condition, liberty is granted to the petitioner to approach the Trial Court by filing appropriate application to appear through video conference. On such application being filed, the Trial Court on taking note of the age and the medical condition of the petitioner, shall pass appropriate orders on merits.

5. With the above direction, this petition disposed of.

26-09-2025

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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N.SATHISH KUMAR J.

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