



Crl.O.P.No.26955 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.26955 of 2025

1.Mohammed Sufiyan Shaikh
2.Mohammad Irfan Shaikh

... Petitioners

Vs.

State Rep by its
The Inspector of Police
Cyber Crime Police Station
Coimbatore City
Coimbatore District
(Cr.No.62 of 2025)

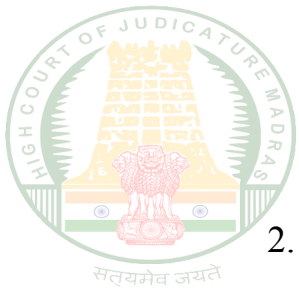
... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to set aside the docket order dated 20.09.2025 made in C.C.No.2428 of 2025 on the file of the learned Judicial Magistrate No.IV, Coimbatore and consequently direct the learned Judicial Magistrate No.IV, Coimbatore to entertain the petition for recall of Non Bailable Warrant filed by the petitioners herein on the same day, i.e., 24.10.2025.

For Petitioners : Mr.J.Jayan
For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl.Side)

ORDER

Challenging the issuance of NBW warrant issued by the Trial Court,
the present petition has been filed.



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2. The Trial Court has issued NBW taking note of the fact that A1 and A2 were absent on 20.09.2025. When the case was posted for charge framing, the Trial Court, in fact, did not accept the petition filed under Section 317 of CrPC/355 of BNSS. It is the contention of the petitioner that due to father's medical ailments, they could not appear before the Court. Their absence was neither wilful nor wanton. They also filed an application under Section 317 of CrPC/355 of BNSS, however, the Trial Court did not accept the same and issued NBW. Hence, seeks for quashing of the order.

3. Such view of the matter, let the petitioner appear before the Trial Court on the next hearing date, scheduled on 24.10.2025. On the same day, let the petitioner file an application to recall the NBW, if not filed earlier and the Trial Court shall recall the NBW on the very same day and frame charges as against the accused

4. With the above directions, this petition stands disposed of.

07.10.2025

dhk

Neutral Citation: Yes/No



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WEB COPY

To

1. The Judicial Magistrate No.IV,Coimbatore
- 2.The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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