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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 29365 of 2025

Alagesan

Petitioner(s)

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Paparapatty Police Station,
Dharmapuri District.
Crime No.353 of 2015

Respondent(s)

PRAYER: Criminal Original Petition filed under section 528 of BNSS to issue direction to the learned Special Judge for EC/NDPS Act cases Salem to consider the petitioner to recall NBW dated 19.09.2025 on the same day of his surrender in Spl.C.C.No.27 of 2022 on the file of Special Judge for EC/NDPS Act cases Salem.

For Petitioner(s): Mr.B.Vasudevan

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to issue a direction to the learned Special Judge for EC/NDPS Act cases, Salem, to consider the petitioner's request to recall NBW dated 19.09.2025, on the same day of his



surrender in Spl.C.C.No.27 of 2022, on the file of Special Judge for EC/NDPS Act cases, Salem.

2.The learned counsel for the petitioner would submit that the petitioner was not able to appear before the Court on 17.10.2025 due to his ill-health; the Trial Court had issued NBW of arrest against him; due to improper advice and fear of arrest, the petitioner had not appeared before the Trial Court; the petitioner, however, is now ready to surrender and requests to recall NBW on the same day of his surrender in Spl.C.C.No.27 of 2022, on the file of Special Judge for EC/NDPS Act cases, Salem.

3.When the matter was taken up for hearing today, the learned Government Advocate (Crl.Side) submitted that the petitioner was absent on 17.10.2023 and the warrant is pending from 17.10.2023.

4.Per contra, the learned counsel for the petitioner would submit that only on account of his ill-health of the petitioner, he was not able to appear on 17.10.2023; the petitioner appeared before the learned Judge concerned on



19.09.2025 to recall the NBW, but the same was returned on 19.09.2025 by the learned Judge directing the petitioner to file medical certificate. He would further submit that the petitioner intends to file a fresh petition to recall NBW already issued against him and prays that it may be considered on the same day.

5.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Special Judge for EC/NDPS Act cases, Salem, within a period of two (2) weeks from the date of receipt of a copy of this order and to file a petition to recall NBW already issued against him. On filing of such petition, the learned Special Judge for EC/NDPS Act cases, Salem, is directed to consider the same on merits and pass orders on the same day. It is made clear that this Court has not made any observation with regard to the merits of the case.

6.Accordingly, this Criminal Original Petition stands disposed of.

Index:Yes/No

29-10-2025

Speaking/Non-speaking order

Neutral Citation:Yes/No

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A.D.JAGADISH CHANDIRA J.

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To

1.The Inspector of Police,
Paparapatty Police Station,
Dharmapuri District.
Crime No.353 of 2015.

2.The Public Prosecutor,
High Court, Madras.

CRL OP No. 29365 of 2025

29-10-2025