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Crl.O.P.No.31235 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31235 of 2025

1. Babu @ Dharmeshbabu
2. Ajith Kumar ... Petitioners

Vs.

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
M-6, Manali Police Station,
Manali, Tiruvallur.
(Crime No.578 of 2023) ... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to set aside the docket order dated 07.10.2025 in S.C.No.419 of 2024 on the file of the leaned Additional District and Sessions Judge IV, Ponneri and consequently, direct the leaned Additional District and Sessions Judge IV, Ponneri to entertain the petition for recall of Non-Bailable Warrant filed by the petitioners.

For Petitioners : Ms.V.Yashika

For Respondent : Mr.R.Vinothraja

Government Advocate (Criminal Side)



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CrI.O.P.No.31235 of 2025

ORDER

The present Criminal Original Petition has been filed seeking to set aside the non-bailable warrant issued against the petitioners in S.C.No.419 of 2024 on 07.10.2025 and to direct the learned IV Additional District and Sessions Judge, Ponneri, to consider the petitioners' recall petition.

2. Learned counsel appearing for the petitioners submitted that the petitioners, who are arrayed as A2 and A3, are facing trial in S.C.No.419 of 2024, on the file of the IV Additional District and Sessions Court, Ponneri. She further submitted that due to illness, the petitioners were unable to appear before the trial Court on 07.10.2025 and therefore, due to their absence, the learned trial Judge had issued non-bailable warrants of arrest against them. Further, the petition filed under Section 317 Cr.P.C (Corresponding to Section 355 BNSS) seeking to dispense with the appearance of the petitioners was also dismissed. She further submitted that the petitioners are ready to cooperate for the speedy disposal of the trial. Hence, she prayed that the non-bailable warrants issued against the



Crl.O.P.No.31235 of 2025

petitioners may be set aside.

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3. Per contra, the learned Government Advocate (Criminal Side) submitted that when the case in S.C.No.419 of 2024 was posted for trial and examination of LW1 to LW3 and LW5, all the witnesses were present before the Court. However, in order to protract the proceedings, the petitioners, along with A1, did not appear. Therefore, the trial Court had issued non-bailable warrants against them and that the warrant issued against the first accused was executed on 09.10.2025, but the petitioners are still absconding. He further submitted that the case pertains to the year 2024 and now stands posted on 02.12.2025 for execution of the non-bailable warrants.

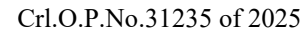
4. Having heard the learned counsel appearing on either side and perused the materials available on record and taking note of the facts of the case, this Court directs the petitioners to surrender before the learned trial Judge and file a petition to recall their warrant. On such filing, the learned trial Judge shall consider the same and pass orders in accordance with law, preferably on the same day of their surrender.



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Crl.O.P.No.31235 of 2025



17.11.2025

Neutral Citation: Yes/No

1. The IV Additional District and Sessions Judge,
Ponneri.
2. The Inspector of Police,
M-6, Manali Police Station,
Manali, Tiruvallur.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.31235 of 2025

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.31235 of 2025

17.11.2025