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Crl.M.P.No.21720 of 2025

in

Crl.A.No.1101 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Crl.M.P.No.21720 of 2025

in

Crl.A.No.1101 of 2022

Kannan

... Petitioner

Versus

State represented by
The Inspector of Police
Dusi Police Station
Dusi
Tiruvannamalai District

...Respondents

(Crime No.377/2006, 378/2006, 379/2006)

1/7



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Prayer:- Petition filed under Section 528 of BNSS, 2023 to condone the absence of the petitioner before the Additional District and Sessions Court, Arani, Tiruvannamalai District on 01.09.2025, 06.10.2025 and 01.11.2025 to comply with the condition as per the order of this Court in Crl.M.P.No.7406 of 2024 in Crl.A.No.1101 of 2022 dated 28.06.2024.

For Petitioner : Mr.V.Rajamohan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
Assisted by
Mr.M.Karthikeyan

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

This petition has been filed to condone the absence of the petitioner before the trial Court.

2. This Court vide order dated 28.06.2024 suspended the sentence imposed on the petitioner vide order dated 04.12.2019 in S.C.No.232 of 2007 on the following conditions:

“(i) The petitioner shall execute a bond for a sum of Rs.25,000/-



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, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheyyar;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

3. The learned counsel for the petitioner submits that the convict prisoner met with an accident and sustained injury and hence, he could not appear before the trial Court for the three hearings, which resulted in issuance of non-bailable warrant against the petitioner. Hence, the present petition has been filed to condone his absence before the trial Court.



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4. We are of the view that filing such an application before this Court

is clear abuse of process of law. When this Court has clearly indicated that if the petitioner is not able to appear before the trial Court on any particular day, the petitioner has to file an application under Section 317 Cr.P.C. before the concerned trial Court. In stead of filing such application seeking exemption from personal appearance, the petitioner is trying to achieve what he could not do directly before the trial Court. If the petitioner really met with an accident and suffered injury, nothing prevented him to produce relevant document before the trial Court which issued the non-bailable warrant. It is open to the petitioner to file necessary application before the trial Court and if the trial Court finds that the case of the petitioner is genuine, the trial Court may consider the application for recall of non-bailable warrant.

With the above observation, this petition is dismissed.



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[N.S.K.,J.] [M.J.R.,J.]

19.11.2025

Index: Yes/No

Neutral Citation: Yes/No

gpa

To

1.The Additional District and Sessions Court,
Arani, Tiruvannamalai District

2. The Inspector of Police
Dusi Police Station
Dusi
Tiruvannamalai District

3.The Public Prosecutor
High Court, Madras.



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