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Crl.OP.No.32788 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM:

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

Crl.OP.No.32788 of 2025

1. Gopal Tiwari @ Tribhuwan Tiwari
 2. Rajesh Sharma @ Vijay Kumar
- ...Petitioners

Vs.

The State of Tamil Nadu rep. by,
The Sub-Inspector of Police,
Central Crime Branch,
Vepery, Chennai.
Crime No.424 of 2011.

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C./528 of BNSS, 2023 to direct the Hon'ble Metropolitan Magistrate (CCB/CBCID cases), Egmore, Chennai to consider the warrant recall petition filed by the petitioners under Section 70(2) of Cr.P.C. on the same day on their surrender in C.C.No.10032 of 2017.

For Petitioners : Mr.T.Raghavan

For Respondent : Mr.S.Santhosh, Government Advocate (Crl. Side)



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ORDER

This criminal original petition has been filed seeking to direct the learned Metropolitan Magistrate (CCB/CBCID cases), Egmore, Chennai to consider the warrant recall petition filed by the petitioners on the same day of their surrender in C.C.No.10032 of 2017.

2. When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the respondent submitted that the FIR was registered in the year 2011 and after completion of investigation, the final report was filed only in the year 2017 before learned Metropolitan Magistrate (CCB/CBCID cases), Egmore, Chennai in C.C.No.10032 of 2017 and the trial is going on. However, as the petitioners did not appear before the Trial court and did not co-operate in the trial proceedings, non-bailable warrant was issued against the petitioners on 08.05.2024.

3. In response, the learned counsel for the petitioners submitted that due to certain health ailments suffered by the petitioners, they were unable to appear before the trial court on 08.05.2024 and that their non-appearance is



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neither wilful nor wanton. He further submitted that, the petitioners are ready to surrender and co-operate for further progress in the trial proceedings and accordingly, he prayed for appropriate orders of this court, recalling the non-bailable warrant issued against the petitioners on 08.05.2024.

4. Considering the fact that non-bailable warrant is pending against the petitioners and also taking into consideration the submission made by the learned counsel for the petitioners that the petitioners are ready to co-operate in the trial proceedings and that they are ready to appear before the trial court, the petitioners are directed to surrender before the trial Court i.e., the learned Metropolitan Magistrate (CCB/CBCID cases), Egmore, Chennai and file a petition under Section 70(2) of Cr.P.C., to recall the non bailable warrant, if not already filed. On filing of such petition, the learned Metropolitan Magistrate (CCB/CBCID cases), Egmore, Chennai shall consider the said petition on merits and pass orders on the same day.



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5. With the above directions, this criminal original petition stands disposed of.

01.12.2025

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Sub-Inspector of Police,
Central Crime Branch,
Vepery, Chennai.

2. The Public Prosecutor,
Madras High Court.

3. The Metropolitan Magistrate (CCB/CBCID cases),
Egmore, Chennai.



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A.D.JAGADISH CHANDIRA, J.

skt

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