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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1949 of 2025

and

Crl.M.P.No.24677 of 2025

B.K.Sasikumar

Appellant(s)

Vs

1. The State Rep. By
The Deputy Superintendent of Police,
Organized Crime Intelligence Unit (OCIU)
CBCID, Salem City,
Salem District.

2.The Inspector of Police,
Salem City P.S.,
Govt. Head Quarters Hospital,
Salem.

3.Sakthivel

Respondent(s)

PRAYER:Criminal Appeal filed under Section 14(A)(1) SC & ST (Prevention of Atrocities Act) praying to set aside the order of the Special Court for Trial of Cases under SC/ST (POA) Act, Salem in Spl.S.C.No.60 of 2025 dated 02.12.2025 directing to issue Non-Bailable Warrant to the Appellant/A4 without issuing summon.

For Appellant(s): Mr.S.Sathiaseelan

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl.Side)



ORDER

The appeal challenges the impugned order, passed in Spl.S.C.No.60 of 2025, dated 02.12.2025, by which the learned Sessions Judge after taking cognizance of the offence under Sections 294 (b), 348, 220, 167, 109, 114, 304(2), 323 IPC and Rights of Persons with Disabilities 6, 7, 92 Act of 2016 and under Section 4 of TNPWH Act, 2002 and under Sections 3 (1) (r), 3(2)(vii) and 74 of Juvenile Justice Care of Protection Act, 2015 of CID, Salem City, had issued Non-Bailable Warrant against the appellant who is arrayed as A4.

2. The learned counsel for the appellant would submit that the appellant was not arrested during the course of investigation; that Section 41A Cr.P.C., notice was issued by the respondent; that he had appeared in compliance with the said notice and thereafter, the respondent had not chosen to arrest the appellant; that therefore, the learned Sessions Judge ought not to have issued Non-Bailable Warrant without issuing any summons to the petitioner and sought for setting aside the impugned order.

3. Heard the learned Government Advocate (Crl. Side) who confirms the fact that the appellant had appeared during the course of investigation pursuant to notice issued by the respondent under Section 41 A Cr.P.C. and the appellant was not shown as absconding in the final report.



4. In the light of the above submissions, this Court is of the view that the impugned order issuing Non-Bailable Warrant as against the appellant for his appearance before the Court is not justified. The learned Sessions Judge ought to have issued summons as the appellant admittedly had appeared before the Investigation Officer during the course of investigation.

5. Hence, the impugned order is set aside insofar as it directs issuance of Non-Bailable Warrant to the appellant. The appellant shall however appear before the Trial Court on the next hearing date, on 29.12.2025.

6. With the above observations, this Criminal Appeal stands disposed of. Consequently, connected miscellaneous petition is also closed.

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
sli

19.12.2025

Note : Registry is directed to issue the order copy on 24.12.2025

To
1. The Special Court for Trial of Cases under SC/ST (POA) Act,
Salem.

2. The Public Prosecutor
High Court, Madras.



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SUNDER MOHAN, J.

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