



CrI.O.P.(MD)Nos.2967 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE **MR.JUSTICE P.DHANABAL**

CrI.O.P.(MD)No.2967 of 2025

Neelakandan

... Petitioner

Vs.

1. The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
Cr No. 585/2013

2. Selvam

... Respondents

PRAYER : Petition filed under Section 528 of BNSS 2023, to direct the learned Judicial Magistrate, Pattukottai to accept the surrender of the petitioner and recall the warrant and to consider on the same day for the Non-Bailable warrant issued against the petitioner on 24/06/2019 in C.C.NO.358 of 2014 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.M.Sakthi Kumar (R1)
Government Advocate



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ORDER

This criminal original petition has been filed seeking for a direction to the learned Judicial Magistrate, Pattukottai to accept the surrender of the petitioner and to consider the petition to recall the warrant on the same day for the Non-Bailable warrant issued against the petitioner on 24.06.2019 in C.C.NO.358 of 2014 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District.

2. According to the petitioner, he is the accused in the case in CC No.358 of 2014 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District and he is facing charges for the offence punishable under Sections 279, 304(A) of IPC. Due to some miscommunication, the petitioner was unable to appear before the trial Court on 24.06.2019 and therefore, non bailable warrant was issued against him. The non-appearance of the petitioner on that particular date is neither willful nor wanton and it is beyond his control and therefore, the petitioner approached this Court seeking for the aforesaid relief.



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3. The learned Government Advocate appearing for the respondent police, would submit that the petitioner was working in abroad. While so, previously, a non bailable warrant had already been issued against him and the same was also cancelled on his appearance. However, again, the petitioner failed to appear before trial Court on 24.06.2019 and therefore, the trial Court issued non bailable warrant against the petitioner. He would further submit that the petitioner has not stated any reasons for his non appearance before the trial Court and hence, he strongly objected to allow this petition.

4. This Court heard the learned counsel on both sides and perused the records placed before this Court. Considering the nature of the relief sought for in this criminal original petition, notice to the second respondent is dispensed with

6. Since non bailable warrant was issued against the petitioner by the learned Judicial Magistrate, Pattukottai, Thanjavur District, and the same is still



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pending, it is appropriate to direct the petitioner to appear before the trial Court by filing appropriate application.

7. Accordingly, the petitioner is directed to appear before the learned Judicial Magistrate, Pattukottai, Thanjavur District, by filing appropriate application to surrender before the trial Court and to cancel the non bailable warrant issued against him and on such application, if any filed, the learned Judicial Magistrate, Pattukottai, Thanjavur District, is directed to consider the same on merits and in accordance with law on the same day.

8. With the above directions, this criminal original petition is disposed of.

18.02.2025

Neutral Citation: Yes / No
Index : Yes / No
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TO:-

1. The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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Order made in
CrI.O.P.(MD)No.2967 of 2025

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