



Crl.O.P(MD)No.2667 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.2667 of 2025

P.Jagadeesan

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Thogamalai Police Station,
Karur.
(Crime No.496 of 2017)

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S. Act, 2023, to recall the warrant issued against the petitioner by the set aside warrant, dated 26.10.2022 in C.C.No.160 of 2017 on the file of the Judicial Magistrate No.I, Kulithalai, Karur District and pass such further or other orders as this Court.

For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



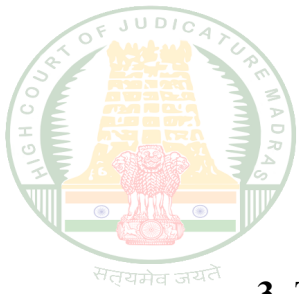
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ORDER

This Criminal Original Petition has been filed by the petitioner to recall the warrant issued against the petitioner, dated 26.10.2022 in C.C.No.160 of 2017 on the file of the Judicial Magistrate No.I, Kulithalai, Karur District.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is the accused in C.C.No.160 of 2017 on the file of the Judicial Magistrate No.I, Kulithalai, Karur District and he apprehends for the arrest by the respondent police based on the Non Bailable Warrant issued by the Trial Court, dated 26.10.2022. Originally the case was registered for the offences under Section 379 of the Indian Penal Code, 1860 and Section 21(3) of the Mines and Minerals (Development & Regulation) Act, 1957. The petitioner was regularly appearing before the Trial Court from 2017 to 2022. In the month of October, 2022, due to his mental ill health, he was unable to appear before the Court. Therefore, NBW was issued against the petitioner and the same is pending. Hence, the petitioner filed this petition.



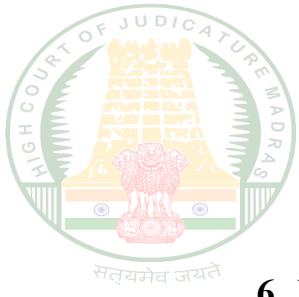
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3. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the accused in the above said case and due to his non appearance, the Trial Court issued NBW on 26.10.2022 but the petitioner thereafter failed to appear before the Court for the past three years. The petitioner has not approached the Trial Court, where the NBW is pending and straight away approached this Court. Therefore, the petition is liable to be dismissed.

4. This Court had heard both sides and perused the materials available on record.

5. In this case, the Trial Court has issued NBW due to non appearance of the petitioner and the same is still pending before the Trial Court. Therefore, it is appropriate to direct the petitioner to approach the Trial Court, where the NBW is pending. Accordingly, the petitioner is directed to appear before the learned Judicial Magistrate No.I, Kulithalai, Karur District and to file proper applications to cancel the NBW issued against him. If any application filed by the petitioner, the Trial Court is directed to consider the said application on the same day on merits and in accordance with law.



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6. With the above said directions, this Criminal Original Petition stands disposed of.

13.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Inspector of Police,
Thogamalai Police Station,
Karur.
- 2.The Judicial Magistrate No.I,
Kulithalai,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

BTR

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