



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2025

CORAM

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

Crl.O.P(MD)No.3087 of 2025

Mani @ Manikili @ Manikandan

... Petitioner

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
Crime No. 301/2017.

... Respondent

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the learned District Munsif cum Judicial Magistrate court, Cheranmahadevi, Tirunelveli district to consider the recall warrant petition filed by the petitioner under section 72(2) of BNSS on the same day of its presentation in connection with C.C.No.8 of 2023, on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District.

For Petitioner : Mr.S.Sathyachidambaram,

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



ORDER

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This Criminal Petition has been filed seeking a direction to the learned Judicial Magistrate, Cheramahadevi, Tirunelveli to consider the petition to recall the warrant filed by the petitioner and to dispose of the same on the same day in connection with C.C.No.8 of 2023.

2.The learned Counsel appearing for the petitioner would submit that the petitioner is the first accused in this case. When the case was posted on 24.01.2025, the petitioner was unable to appear before the trial Court and his Counsel filed a petition under Section 317 of Cr.P.C to dispense with the personal appearance of the petitioner on that day. But the same was dismissed and non bailable warrant was issued. Therefore, the petitioner filed this petition.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the trial Court has issued non bailable warrant due to the non appearance of the petitioner, after dismissing the dispense with petition on that day. Therefore, the petitioner has to appear before the trial Court for cancelling the non bailable warrant issued against him. Hence, he opposed to allow this petition.



WEB COPY 4. Heard both sides and perused the records.

5. It is an admitted fact that due to non appearance of the petitioner on 24.01.2025, the trial Court issued non bailable warrant and the same is pending. While so, it is appropriate to direct the petitioner to approach the trial Court by way of filing appropriate application to cancel the non bailable warrant. Accordingly, the petitioner is directed to appear before the learned District Munsif cum Judicial Magistrate, Cheranmahadevi by filing appropriate application to cancel the non bailable warrant issued against him and on such application if any filed by the petitioner, the learned District Munsif cum Judicial Magistrate, Cheranmahadevi is directed to consider the same on the same day on merits and in accordance with law.

6. With the above observations and direction, this Criminal Petition is disposed of.

19.02.2025

Internet : Yes
Index : Yes/No
NCC : Yes/No
LR



WEB COPY To

1.The District Munsif cum Judicial Magistrate,
Cheranmahadevi, Tirunelveli.

2.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

LR

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