



Crl.O.P.(MD)No.3724 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :27.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.3724 of 2025

D.Moorthy

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by the Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
Crime No. 534/2021

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the learned Fast Track Mahila Court, Sivagangai to accept the surrender of the petitioner pertaining to Non Bailable Warrant dated 06.02.2024 and recall the same on the same day in Spl.S.C.No. 68 of 2023 on the file of the learned Fast Track Mahila Court, Sivagangai.

For Petitioners : Mr P.Krishnaveni

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)

ORDER

This petition has been filed by the petitioner to direct the learned Fast

<https://www.mhc.tn.gov.in/crims> Track Mahila Court, Sivagangai to accept the surrender of the petitioner



Crl.O.P.(MD)No.3724 of 2025

pertaining to Non Bailable Warrant dated 06.02.2024 and to recall the same on the same day in Spl.S.C.No. 68 of 2023.

2. The learned counsel appearing for the petitioner would submit that he is the accused in the above said case and he is facing trial for the offences under Sections 5(1) read with 6 and 10 of the Protection of Children from Sexual Offences Act, 2012 and the Trial Court has issued Non Bailable Warrant (NBW) against the petitioner for non-appearance on 06.02.2024. Since the petitioner went to abroad for his work in the year 2023, he was unable to appear before the Trial Court and not at all received the summon. Therefore, he filed this petition to direct the Trial Court to accept the surrender and to recall the NBW issued against him.

3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondent would submit that the case was registered in the year 2021 and the petitioner wantonly failed to appear before the Trial Court, thereby the Trial Court has issued NBW on 06.02.2024 and the same has been pending for more than one year. Therefore, the petitioner has to seek remedy before the Trial Court and this petition is liable to be dismissed.



Crl.O.P.(MD)No.3724 of 2025

WEB COPY

4. This Court heard both sides and perused the records.

5. It is an admitted fact that the petitioner is the accused in Spl.S.C.No.68 of 2023 and due to his non-appearance, the Trial Court has issued the NBW on 06.02.2024 and the same has been pending for execution. At this stage, the petitioner has approached this Court to direct the Trial Court to accept his surrender without approaching the Trial Court. Therefore, it is appropriate to direct the petitioner to appear before the Trial Court for appropriate remedy. Accordingly, the petitioner is directed to surrender along with petition to recall the NBW pending against him before the Trial Court within fifteen [15] days from the date of this Order and on his surrender, the Trial Court has to consider the recall of the NBW of the petitioner on the same day on merits.

6. With the above said observations and direction, this criminal original petition is disposed of.

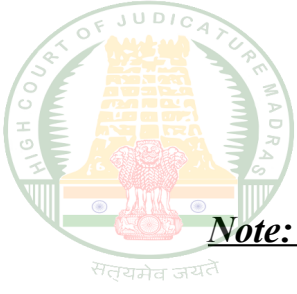
27.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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Crl.O.P.(MD)No.3724 of 2025

Note: The Registry is directed to issue the order copy today.

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P. DHANABAL, J.,

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To

1. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Note: The Registry is directed to issue the order copy today.

Crl.O.P.(MD)No.3724 of 2025

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