



Crl.O.P(MD)No.3805 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.3805 of 2025

Senthil

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Sub-Inspector of Police,
Chettinadu Police Station,
Kanadu Kathan-630 103.

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to direct the Judicial Magistrate, Karaikudi to consider the petitioner's warrant recall petition on the same day and pass an order in C.C.No.10 of 2022.

For Petitioner : Mr.R.Ramasamy

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



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Crl.O.P(MD)No.3805 of 2025

ORDER

This Criminal Original Petition has been filed to direct the Judicial Magistrate, Karaikudi to consider the petitioner's warrant recall petition on the same day and to pass an order in connection with C.C.No.10 of 2022.

2. According to the petitioner, the petitioner is the second accused in the case in Crime No.87 of 2009 for the offences under Sections 380, 454 of IPC and now the case is pending before the learned Judicial Magistrate, Karaikudi in C.C.No.10 of 2022. While so, due to non appearance of the petitioner on 03.12.2018, the Trial Court issued Non Bailable Warrant against the petitioner. The petitioner has no knowledge about the above said NBW issued against him and now the police is trying to execute the warrant. Therefore, the petitioner approached this Court.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that this petitioner is A-2 and already the case has been disposed in respect of A-1 by convicting him and the case against this



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petitioner was split up and the same is pending. The petitioner did not appear before the Trial Court on 03.12.2018. Therefore, the Trial Court issued NBW and the same is pending for the past 6 years. The petitioner has not appeared before the Trial Court and without approaching the Trial Court, the petitioner 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, there is no dispute that the petitioner is the accused in this case and the Trial Court has issued NBW against the petitioner for his non appearance on 03.12.2018. The petitioner has not approached the Trial Court for cancelling the NBW issued against him and he straight away approached this Court. Therefore, it is appropriate to direct the petitioner to approach the Trial Court by filing appropriate application in this regard. If any such application filed by the petitioner, the Trial Court has to consider those applications on the same day on merits in accordance with law.



Crl.O.P(MD)No.3805 of 2025

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

28.02.2025

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

To

- 1.The Sub-Inspector of Police,
Chettinadu Police Station,
Kanadu Kathan-630 103.
- 2.The Judicial Magistrate,
Karaikudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.3805 of 2025

P.DHANABAL, J.

BTR

Crl.O.P(MD)No.3805 of 2025

28.02.2025