



Crl.R.C.(MD)No.528 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.528 of 2025

S.Arulselvan

... Petitioner

Vs.

State of Tamil Nadu through
The Inspector of Police (Crime),
K.Pudur Police Station,
K.Pudur, Madurai City.
(Crime No.279 of 2016)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 and 442 B.N.S.S., to call for the records in Cr.M.P.No.2180 of 2025 dated 27.03.2025 on the file of the learned Judicial Magistrate No.VI, Madurai and set aside the order made in Cr.M.P.No.2180 of 2025 dated 27.03.2025 and order for recalling the Non Bailable Warrant issued against the revision petitioner.

For Petitioner : Mr.T.K.Gopalan
for Mr.A.K.Nagarajan

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.2180 of 2025 dated 27.03.2025 on the file of the Judicial Magistrate No.VI, Madurai, dismissing the application to recall the warrant as not maintainable.

2. It is seen from the records that the respondent police has laid the charge sheet against the petitioner for the offences under Sections 420 and 406 IPC and the same was taken on file in C.C.No.935 of 2019 and is pending on the file of the Judicial Magistrate No.VI, Madurai.

3. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that earlier Non-Bailable Warrant issued against the petitioner on 06.07.2024 and the same came to be executed on 28.12.2024 and the petitioner was released on bail on condition to deposit Rs.3 lakhs and that subsequently for the second time, Non-Bailable Warrant came to be issued on 26.03.2025.



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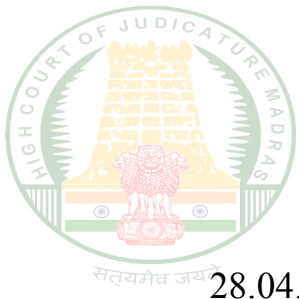
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4. The learned counsel appearing for the petitioner would submit that the petitioner's counsel has filed an application under Section 317 Cr.P.C. and the same came to be dismissed and warrant was issued and that thereafter the petitioner has filed the above application to recall the warrant but the learned Magistrate dismissed the application as not maintainable.

5. Admittedly, the case is pending for questioning and as such, the presence of the petitioner is very much necessary before the concerned Court. Considering the above, the impugned order dismissing the application cannot be found fault with.

6. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner may be granted three days time to appear before the concerned Court.

7. Considering the facts and circumstances and also taking note of the submission made by the learned counsel appearing for the petitioner, the petitioner is directed to surrender before the concerned Court on



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28.04.2025 by filing an application to recall the warrant and on such appearance, the learned Magistrate is directed to consider the same on merits and in accordance with law. Mere direction issued by this Court to consider the petition, does not amount to consider it favorably.

8. With the above direction, this Criminal Revision Case stands disposed of. No costs.

24.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

Note : Issue order copy on 25.04.2025

To

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police (Crime),
K.Pudur Police Station,
K.Pudur, Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.528 of 2025

Dated: 24.04.2025