



Crl.O.P(MD)No.7471 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.7471 of 2025

Sathiyaraj,

... Petitioner

Vs

The State of Tamilnadu,
Rep By The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District.
Cr.No.140/2022.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to direct the learned Judicial Magistrate No.1, Pudukkottai to consider the warrant recall petition dated 21.02.2023 in connection with a case in C.C.No.122 of 2022 on the file of the learned Judicial Magistrate No.1, Pudukottai on the very same day.

For Petitioner : Mr.E.Balasubramanian

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed seeking a direction to the learned Judicial Magistrate No.1, Pudukkottai to consider the warrant recall petition dated 21.02.2023 in connection with a case in C.C.No.122 of 2022 on the file of the learned Judicial Magistrate No.1, Pudukkottai on the very same day.

2.The learned Counsel for the petitioner would submit that the petitioner is the accused in C.C.No.122 of 2022 on the file of the learned Judicial Magistrate No.I, Pudukkottai and due to his non appearance, the trial Court issued non bailable warrant on 15.05.2023. The petitioner went to Singapore for livelihood. Therefore, the petitioner is unable to appear before the Court. Now, he came to know about the pendency of the non bailable warrant issued against him. Hence this petition.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that as against the petitioner a case in Crime No.140 of 2022 has registered for the offences under Sections 279, 337 and 304(A) of IPC and after investigation, they filed final report



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and the same has been taken cognizance in C.C.No.122 of 2022, by the learned Judicial Magistrate No.I, Pudukottai. Due to non appearance of the petitioner, the trial Court issued non bailable warrant on 15.05.2023. The petitioner without approaching the trial Court, straight away approached this Court. Therefore, this petition is liable to be dismissed.

4.In this case, it is an admitted fact that the trial Court issued non bailable warrant against the petitioner for his non appearance on 15.05.2023 and the same is pending. Now, the petitioner approached this Court without approaching the trial Court by filing appropriate application for cancelling the non bailable warrant.

5.Therefore, the petitioner is directed to appear before the trial Court, within a period of fifteen days from the date receipt of a copy of this order by filing appropriate application for cancelling the non bailable warrant. On such application, if any filed by the petitioner, the trial Court is directed to consider the same on merits on the same day, in accordance with law.



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

24.04.2025

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

To

1. The Judicial Magistrate No.1,
Pudukottai

2. The State of Tamilnadu,
Rep By The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District.

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



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P. DHANABAL, J.

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