



Crl.O.P.(MD)No.12739 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 30.07.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12739 of 2025

A.Chellamuthu

.. Petitioner/ A2

versus

The State of Tamilnadu, rep. by
The Inspector of Police,
Sholavandan Police Station,
Madurai District.
(Crime No.42 of 2016)

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to recall the Non-Bailable Warrant pending against the petitioner/accused No.2, in S.C.No.430 of 2022 dated 12.12.2024 on the file of the learned **(*)Additional Chief Judicial Magistrate Court, Madurai**, within a time limit as fixed by this court.

For Petitioner : Mr.S.Balaji

For R1 : Mr.P.Kottaichamy
Government Advocate (Crl. Side)



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ORDER

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The petitioner seeks a direction to the learned **(*)Additional Chief Judicial Magistrate Court, Madurai**, Madurai, to recall the Non Bailable Warrant pending against the petitioner / A2 in S.C.No.430 of 2022 dated 12.12.2024.

2. According to the learned counsel for the petitioner, the petitioner had been regularly appearing before the Court. However, he failed to appear on 12.12.2024, and consequently, a Non-Bailable Warrant was issued against him. The learned counsel further submits that the trial, which was originally conducted before the III Assistant Sessions Court, Madurai, has been transferred to the **(*)Additional Chief Judicial Magistrate Court, Madurai**, and is now pending in S.C. No.430 of 2022. Due to this transfer, the petitioner was unable to properly follow up on the case.

3. The learned Government Advocate (Criminal Side) appearing for the respondent submits that the case was transferred as early as in the year 2022, and therefore, the averments made by the petitioner are baseless. The warrant was issued on 12.12.2024 by the **(*)Additional Chief Judicial Magistrate Court, Madurai**, and not prior to the transfer. It is further submitted that there is no illegality in the order passed by the learned Trial Judge, and as such, there is no justification to interfere with the said order.



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4. This Court considered the rival submissions made and perused the materials placed on record.

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5. There is a provision under Section 72 of the Bharatiya Nagarik Suraksha Sanhita (BNSS). Since the petitioner has an effective remedy under the said provision, he is required to avail the same before the concerned Judicial Magistrate Court. It is for the petitioner to satisfy the said Court regarding the reasons for his non-appearance and to file an appropriate application under Section 72 of the BNSS. Upon such filing, the learned Magistrate is directed to consider the application on its own merits, in accordance with law, and pass appropriate orders on the same day.

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

Sd/-

30.07.2025

(*) Amended as per order of this Court dated 29/08/2025 made in Crl OP(MD)No.12739 of 2025

Sd/-

Assistant Registrar (CO)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

skn

To

1. The Chief Judicial Magistrate, Madurai.



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2. The Inspector of Police,
Sholavandan Police Station,
Madurai District.

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

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023