



Crl.O.P.(MD)No.13127 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED : 06.08.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.13127 of 2025

Selvam

... Petitioner

Vs.

The Inspector of Police,
Thevaram Police Station,
Theni District.
In Crime No.171 of 2014

... Respondent

Prayer : Criminal Original Petition filed under Section 528 BNSS, to direct the learned Judicial Magistrate, Bodinayakanur to accept the petition to recall the Non-Bailable Warrant dated 28.02.2022 and the petitioner surrender application and consider his warrant recall petition on the same day on merits in C.C.No.162 of 2015 which was split in CC.No.179 of 2022.

For Petitioner : M/s.D.Saranya

For Respondent : Mr.P.Kottaichamy,
Government Advocate(Crl.side)



Crl.O.P.(MD)No.13127 of 2025

WEB COPY

ORDER

The petitioner, who is the accused in CC.No.179 of 2022 on the file of the learned Judicial Magistrate, Bodinayakanur, has filed this petition seeking a direction to the learned Magistrate to recall the non-bailable warrant on the same day of his surrender.

2.The learned counsel appearing for the petitioner submits that the petitioner is working in Kerala and therefore, he failed to appear before the trial Court, due to which, non-bailable warrant has been issued. Further, she submits that the petitioner is prepared to appear before the trial Court and co-operate for the trial.

3.The learned Government Advocate(Crl.side) appearing for the respondent submits that the non-bailable warrant is pending from the year 2022. Because of the petitioner's absence, the case was split-up and case against the petitioner is pending from the year 2022.

4.This Court has considered the submissions made on either side and perused the available records.



CrI.O.P.(MD)No.13127 of 2025

WEB COPY

5. There is a provision under Section 70(2) Cr.P.C., to recall the warrant. This Court is not aware under what circumstances the petitioner has avoided the trial and stage of the trial. All these things can be decided only by the learned Magistrate. Therefore, this Court grants liberty to the petitioner to surrender before the learned Judicial Magistrate, Bodinayakanur, and file necessary application, within a period of two weeks from the date of receipt of a copy of this order.

6. The learned Magistrate shall consider the same and pass orders depending upon the merits of the petition. If the learned Magistrate is allowing the application, he shall obtain adequate sureties for the petitioner's appearance. In the event, if the petitioner is not surrendering within the stipulated time, the respondent Police is directed to secure the petitioner. Accordingly, this criminal original petition is disposed of.

06.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
gns



CrI.O.P.(MD)No.13127 of 2025

WEB COPY

To

1.The Judicial Magistrate,
Bodinayakanur.

2.The Inspector of Police,
Thevaram Police Station,
Theni District.

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



WEB COPY



Crl.O.P.(MD)No.13127 of 2025

B.PUGALENDHIJ

gns

Crl.O.P.(MD)No.13127 of 2025

06.08.2025