

Crl.O.P.(MD)No.13878 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13878 of 2025

G.Saravanan

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kuruvikulam Police Station,
Thiruvengdam Taluk,
Tenkasi District.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate, Sankarankovil, to accept the surrender of the petitioner and recall the non-bailable warrant of the petitioner dated 3-1-2023 in CC No.115 of 2019 on the file of the learned Judicial Magistrate, Sankarankovil.

For Petitioners : Mr.G. Saravanan (Party in Person),
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl. Side)

ORDER

The petitioner/ sole accused in CC No.115 of 2019 on the file of the learned Judicial Magistrate, Sankarankovil has filed this



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petition, seeking a direction to the learned Judicial Magistrate, Sankarankovil to accept his surrender and to recall the non bailable warrant of arrest issued as against him on 03.01.2023.

2.The learned counsel appearing for the petitioner submits that without issuing any summons, a non bailable warrant of arrest was issued as against this petitioner.

3.Mr.P.Kottaichamy, learned Government Advocate (Crl. Side), who takes notice for the respondent submits that this petitioner is facing a trial before the learned Judicial Magistrate in CC No.115 of 2019, for the offence under Sections 294(b), 323, 353 and 506(ii) IPC. According to him, the case was registered in the year 2016 and a final report was filed in the year 2019. The learned Government Advocate further submits that this petitioner has appeared before the trial Court on 28.12.2022. However, he refused to receive the summons. Therefore, a warrant was issued as against this petitioner on 10.10.2023, for his non-appearance. This petitioner has also appeared before the learned Judicial Magistrate on 27.09.2024 and therefore, the non bailable warrant of arrest, which was issued as against him was



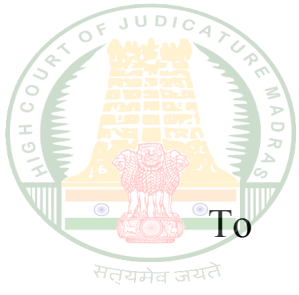
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recalled. Thereafter, he failed to appear before the trial court and therefore the Judicial Magistrate has issued a non bailable warrant of arrest once again on 17.02.2025. The petitioner can very well file an application before the concerned Judicial Magistrate with relevant provision available under Section 70 (2) Cr.P.C., to recall the non bailable warrant, if any pending as against the petitioner.

4.In view of the above, this Court is not inclined to entertain this petition as the petitioner is having a remedy before the learned Judicial Magistrate, Sankarankovil. Accordingly, this Criminal Original Petition is dismissed with liberty to this petitioner to file necessary application before the concerned Judicial Magistrate Court.

21.08.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn



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To

The Inspector of Police,
Kuruvikulam Police Station,
Thiruvengdam Taluk,
Tenkasi District.



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B.PUGALENDHI, J.

vrn

Order made in
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