



CrL.R.C.(MD)No.1154 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.1154 of 2025

Karthikeyan

... Petitioner

-VS-

State of Tamil Nadu Rep. By,
The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
(Crime No.448 of 2016)

... Respondent

PRAYER : Criminal Revision Case filed under 438 r/w. 442 of BNSS, 2023, to set aside the order dated 12.08.2025, passed by the learned Additional District and Sessions Judge (FTC), Kumbakonam, Thanjavur District, in CrI.M.P.No.19 of 2025 in S.C.No.75 of 2022, on his file wherein NBW was issued against the petitioner by dismissing his petition under Section 3555 of BNSS, to condone his absence.

For Petitioner
For Respondent

: Mr.R.L.Dhilipan Pandian
: Mr.S.Ravi,
Additional Public Prosecutor

ORDER

Challenging the order passed in CrI.M.P.No.19 of 2025 in S.C.No.75 of 2022 dated 12.08.2025, on the file of the learned Additional District and Sessions Judge (FTC), Kumbakonam, Thanjavur District, this Criminal



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2.Despite the counsel for the petitioner having submitted the petition under Section 279/355 of BNSS, 2023, on 12.08.2025, seeking to condone the absence of the petitioner herein as well as A4, A5, A7, A8 and A10, by stating medical reason that they were not able to attend the Court that day, the learned Sessions Judge had dismissed the petition and had issued NBW against this petitioner and other accused. Challenging the same, this Criminal Revision Case is filed.

3.The learned counsel appearing for the petitioner submitted that the procedures mandated for issuance of NBW was not followed by the learned Trial Court and the learned Trial Court had outrightly dismissed the petition under Section 279/355 of BNSS and instantly issued NBW. In view of the same, the said order is bad in the eye of law and pressed for allowing the Revision Case.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the case was posted for framing of charges on that day and the case is one of murder and only to protract the proceedings, the petitioner and other accused were not continuously appearing before the learned Trial Court and hence, the learned Trial Court had rightly dismissed the application and pressed for dismissal of the



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5.Heard the learned counsel on either side and carefully perused the materials available on record.

6.Making it clear that the petitioner should co operate fully for the trial before the learned Trial Court and should not frequently absent himself in appearing before the learned Trial Court, the impugned order is set aside and the petitioner is directed to approach the learned Trial Court for recalling the warrant by payment of cost of Rs.2,000/- to the Legal Service Authority, Kumbakonam, on or before the date of filing of petition to recall NBW.

7.Accordingly, this Criminal Revision Case is allowed. No Costs.

25.08.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

Note : Issue order copy on **25.08.2025**.



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To

- 1.The Additional District and Sessions Judge (FTC),
Kumbakonam, Thanjavur District.
- 2.The Legal Service Authority, Kumbakonam.
- 3.The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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25.08.2025