

CRL OP(MD). No.15563 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.09.2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.OP(MD). No.15563 of 2025

Kalaiselvi

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Thiruparankundram Range,
Thiruparankundram,
Madurai District.

2. The Inspector of Police,,
Thiruparankundram Police Station,
Madurai.

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Fast Track Court No.I, (Judicial Magistrate Level) Madurai to consider the Recall the warrant on her surrender on the same day, if any petition filed by the petitioner in S.T.C.No.242 of 2012.

For Petitioner : Mr.I. Saliyakhan,

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor



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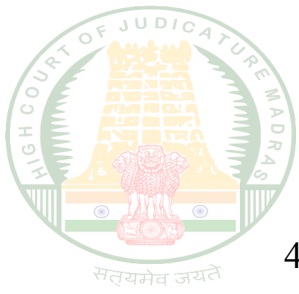
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ORDER

This Petition is filed to direct the learned Magistrate, Fast Track Court No.I, (Judicial Magistrate Level), Madurai, to permit the petitioner to surrender and consider the petitioner's application for recall of warrant.

2. The learned counsel for the petitioner would submit that the petitioner was not aware of the proceedings and she is aged about 65 years and due to her illness, she was unable to walk and therefore, could not appear and that her absence is neither wilful nor wanton.

3. The petitioner has not chosen to implead the complainant. When this Court asked the counsel as to why the complainant was not impleaded, he would state that the petitioner came to know that the complainant is no more. He also relied upon the daily status. In fact, in the daily status of the proceedings, the learned Magistrate, in which, it is stated that the complainant was absent from 24.07.2024.



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4. The learned Additional Public Prosecutor, however, would submit that the petitioner's warrant could not be executed since the petitioner was not available in the address.

5. Be that as it may, considering the fact that the daily status of the proceedings before the learned Judicial Magistrate suggests that the complainant was absent from 24.07.2024, the learned Magistrate may verify as to whether the complainant is no more. The petitioner would submit that she had fallen sick.

6. In view of the abovesaid facts, the petitioner shall appear before the learned Judicial Magistrate, on the next date of hearing or earlier. The learned Judicial Magistrate, may consider the petition for recall warrant on the same day and pass appropriate orders.

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

NCC : Yes / No
Internet : Yes/ No
LS

18.09.2025



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SUNDER MOHAN,J.

LS

TO

1. The Fast Track Court No.I,
(Judicial Magistrate Level) Madurai
- 2.The Assistant Commissioner of Police,
Thiruparankundram Range,
Thiruparankundram,
Madurai District.
3. The Inspector of Police,,
Thiruparankundram Police Station,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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