



CRL OP(MD). No.16938 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 08/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.16938 of 2025

Shanthi

... Petitioner

Vs

1.The State of Tamilnadu,
Through the Assistant Commissioner of Police,
Junction Range,
Tirunelveli District.

2. State of Tamilnadu,
Through the Inspector of Police,
C.C.B.Police Station
Tirunelveli District,
Crime No.1/2022.

3.Perumbadaiyar

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to set aside the order passed in Crl.M.P.No.13 of 2025 and recall the warrant issued against this petitioner/accused No.2 in S.C.No.105 of 2022 dated 05.08.2025 on the file of the learned II Additional District and Sessions Judge, Special Court for PCR Act Cases, Tirunelveli.



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For Petitioner : Mr.KA.Raamakrishnan,
Advocate.

For R1 and R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

The petitioner seeks to set aside the order passed in Crl.M.P.No. 13 of 2025 and consequently, recall the warrant issued against the petitioner/accused No.2 in S.C.No.105 of 2022, dated 05.08.2025, on the file of the learned II Additional District and Sessions Judge, Special Court for PCR Act Cases, Tirunelveli.

2.The learned counsel the petition would submit that there was a warrant issued against the petitioner initially on 10.07.2023; that the said warrant was recalled on 01.08.2025 by the learned Judge, who was in charge of the II Additional District Court, Tirunelveli; that the petitioner was also permitted to appear through her counsel; that since the petitioner was wheelchair-bound and was unable to travel, on 05.08.2025, the petitioner through her counsel filed a petition under Section 317 of Cr.P.C; that the same was dismissed in Crl.M.P.No.13 of



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2025 and Non-Bailable Warrant (NBW) was issued against the petitioner; that even though the petitioner would not be able to travel due to her medical condition, in view of the pendency of the case and in obedience to the direction of the Court, she is now willing to appear before the trial Court and sought for setting aside the impugned order.

3.The learned Additional Public Prosecutor confirms the above facts and submits that the petitioner has produced medical records to show her inability to travel and it is not in dispute that the petitioner's application for the recall of the warrant was allowed on 01.08.2025. The order passed on 01.08.2025 reads as follows:-

Heard. This Court carefully read the petition and the medical report. Further the Hon'ble Madurai Bench of Madras High Court, directs to dispose the case in time bound manner. Hence, the NBW is recalled in the absence of the petitioner/A2 with condition that petitioner/A2 shall appear the counsel as proxy for this offence u/s 205 Cr.P.C. As the above condition, this petition is allowed. NBW is recalled by the interest of justice.

4.The said order was passed by the learned Judge, who was in



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charge of the trial Court, as the regular Judge was on leave. It appears that on 05.08.2025, the learned Judge, who was the regular Judge of the said Court had dismissed the petitioner's application and also issued a Non-Bailable Warrant against the petitioner. It is not in dispute that the petitioner had produced medical records to show that she was unable to travel.

5.Be that as it may, in the light of the submissions made by learned counsel for the petitioner, the petitioner shall appear on the next date of hearing or earlier before the learned II Additional District and Sessions Judge, Special Court for PCR Act Cases, Tirunelveli. The learned Judge is directed to recall the warrant on the petitioner's appearance.

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

08.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 1.The II Additional District and Sessions Judge,
Special Court for PCR Act Cases, Tirunelveli.
- 2.The Assistant Commissioner of Police,
Junction Range,
Tirunelveli District.
- 3.The Inspector of Police,
C.C.B.Police Station
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP

ORDER
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Date : 08/10/2025