



CRL OP(MD). No.19733 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.19733 of 2025

Muniyandisami,

... Petitioner

Vs.

The State of Tamil Nadu,
Rep By, The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Cr.No.279 of 2022.

... Respondent

PRAYER :-This Petition is filed under Section 528 BNSS, to direct the learned Additional District Judge, Sivagangai, to consider the warrant recall petition in connection with S.C.No.275 of 2024 on the very same day on his surrender.

For Petitioner : Mr.D.S.Haroon Rasheed,

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

ORDER

The petition is for a direction to the learned Additional District Judge to consider the warrant recall petition of the petitioner on the very same day of the surrender in S.C.No.275 of 2024 and pass orders.



CRL OP(MD), No.19733 of 2025

2. The learned counsel for the petitioner would submit that the petitioner, who is facing prosecution for the offence under Sections 147, 148, 294(b), 342, 302, 427, 506(ii), 465, 450 I.P.C., did not appear on 29.08.2025 since he apprehended that he would be arrested as the respondent police were contemplating action under the Goondas Act and that his non appearance is neither wilful nor wanton.

3. The learned Additional Public Prosecutor however would submit that though the petitioner had not appeared for only one hearing, the petitioner has previous antecedents and no such direction can be issued to the learned Magistrate to consider the recall the petition on the same day of his surrender.

4. This Court is not inclined to issue any direction as prayed for. However, the learned Judge shall take into consideration as to whether the petitioner had absconded earlier and also the fact that he did not appear for only one hearing while considering the recall petition.



CRL OP(MD). No.19733 of 2025

WEB COPY

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

12.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LS

TO

1. The Additional District Judge,
Sivagangai.

2. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

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



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CRL OP(MD). No.19733 of 2025

SUNDER MOHAN,J

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CRL OP(MD) No.19733 of 2025

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