



CrI.O.P.(MD)No.1141 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.1141 of 2025

Muthukumar

... Petitioner

Vs.

1.Narayanamoorthi

2.State of Tamil nadu

Represented by

The Inspector of Police,

Kurumbur,

Thoothukudi District.

STC No.24 of 2024

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate, Thiruchendur to accept the surrender of the petitioner and recall the warrant and to consider on the same day for the non-bailable warrant, issued against the petitioner on 07.12.2024 in STC No.24 of 2024, on the file of the learned Judicial Magistrate, Thiruchendur, Thoothukudi District.

For Petitioner

For R2

: Mr.S.Manojkumar

: Mr.Kottaichamy

Government Advocate (CrI.side)



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ORDER

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The petitioner/accused in STC No.24 of 2024, on the file of the learned Judicial Magistrate, Tiruchendur, Tuticorin has filed this Criminal Original Petition, to direct the learned Magistrate to accept the surrender of the petitioner and to recall the warrant issued as against him.

2.The case of the petitioner is that he is the accused in STC No.24 of 2024, on the file of the Judicial Magistrate Court, Tiruchendur, for the offence under Section 138 of Negotiable Instruments Act. On the date of hearing of the above case on 07.12.2024, he has not appeared before the trial Court. Therefore, a Non-Bailable Warrant of arrest was issued as against the petitioner on the same day. The petitioner has filed this Criminal Original Petition that he is prepared to surrender before the Magistrate Court concerned and a direction may be issued to the learned Magistrate to accept his surrender and to recall the warrant, on the date of his surrender.

3.Considering the circumstances, in which, the petitioner has evaded the trial, this Court, by its earlier order, dated 23.01.2025, has disposed of this Criminal Original Petition with a direction to the



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petitioner to pay a sum of Rs.1,00,000/- either to the credit of STC No.24 of 2024, on the file of the Judicial Magistrate Court, Tiruchendur or to the first respondent directly. A direction was also issued to the Registry to list this petition for reporting compliance. When this Criminal Original Petition was listed for hearing on 27.03.2025, under the caption "for reporting compliance", it was reported that this petitioner has not complied with the orders.

4.The learned counsel for the petitioner submits that due to financial constrains, he is not in a position to pay the amount, as directed by this Court.

5.Admittedly, this petitioner has evaded the trial on 07.12.2024 and therefore a non-bailable warrant of arrest was issued as against him. Before that, on 06.03.2024, when the case was referred to Lok Adalat, this petitioner has agreed to pay a sum of Rs.2,50,000/- to the complainant and thereafter, he had turned back and evaded the trial by absconding, under the impression that the respondent police would never arrest him. It appears that the respondent police has not arrested this petitioner.



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6.Considering the fact that the petitioner has given an undertaking to make part payment and thereafter he has failed to comply with the same, this Criminal Original Petition is closed with a direction to the respondent police to secure the petitioner and produce him before the concerned Magistrate Court. The order passed by this Court, dated 23.01.2025 is recalled.

04.06.2025

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

To

The Inspector of Police,
Kurumbur,
Thoothukudi District.



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B.PUGALENDHI,J

vrn

Order made in
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