



WEB COPY

CRL OP No. 2767 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 2767 of 2026
and Crl.M.P.No.1875 of 2026**

Mohammed Sabi @ Mathan

..Petitioner(s)

Vs

State Rep.by, The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to set aside the order dated 19.01.2026 made in Crl.M.P.No.21 of 2026 in SC.No.1 of 2025, on the file of the learned V Additional District Sessions Judge, Coimbatore.

For Petitioner(s):

Mr.W.Camyles Gandhi

For Respondent(s):

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 19.01.2026 made in Crl.M.P.No.21 of 2026 in SC.No.1 of 2025, on the file of the learned V Additional District and Sessions Judge, Coimbatore.



2. The petitioner is an accused facing trial in S.C.No.1 of 2025 on the file of the learned V Additional District and Sessions Judge, Coimbatore, for the offences punishable under Sections 451, 392, 397 and 365 of IPC. Since the petitioner did not appear before the Court on 19.01.2026, a petition in Crl.M.P.No.21 of 2026 under Section 355 B.N.S.S/ Section 317 of Cr.P.C., was filed seeking to condone the absence of the petitioner. The learned District and Sessions Judge, by an order dated 19.01.2026, had dismissed the petition and issued Non-Bailable Warrant. Challenging the same, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner is also an accused in another case in P.R.C.No.18 of 2025 pending on the file of the Judicial Magistrate, Aravankurichi. As the hearing dates in both cases coincided, the petitioner appeared before the concerned Court in the said case and could not appear before the trial Court on 19.01.2026. He further submitted that the counsel had filed a petition seeking condonation of the absence of the petitioner, however, the learned trial Judge dismissed the said petition. He also submitted that the absence of the petitioner before the trial Court is neither wilful nor wanton. Hence, he prayed to set aside the order dated 19.01.2026.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the case stands posted for the examination of



L.W.1 to L.W.3 on 19.02.2026. He further submitted that the petitioner failed to appear before the trial Court, whereas he appeared before the Judicial Magistrate, Aravakurichi, in connection with P.R.C.No.18 of 2025 which was posted for committal.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner undertakes to appear before the trial Court on all hearing dates without fail, he is ready to co-operate in the trial by cross-examining the witnesses on the same day of their appearance before the trial Court and he is also ready to pay the costs for appearance of L.W.1 to L.W.3.

6. Having considered the facts and circumstances of the case and the submissions made, the order dated 19.01.2026 passed in CrI.M.P.No.21 of 2026 by the learned V Additional District and Sessions Judge, Coimbatore, is hereby set aside. The learned District and Sessions Judge is directed to recall the non bailable warrant on condition that the petitioner surrenders before the Court on or before 19.02.2026 and deposits a sum of Rs.7,500/- as costs for the recalling witnesses namely L.W.1 to L.W.3. The petitioner shall also file an affidavit of undertaking before the trial to the effect that he shall appear before the trial Court on all hearing dates without fail and he shall co-operate for the expeditious disposal of the case by cross- examining the witnesses on the same day of their examination-in-chief.



7. With the above directions, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

09-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VKR

Note: Issue order copy on 10.02.2026.

To

1.The V Additional District and Sessions Judge, Coimbatore.

2.The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.

3.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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