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Crl.O.P.No.3868 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM:

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

Crl.O.P.No.3868 of 2026

S.Praveen @ Pallu Praveen

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
R6, Kumaran Nagar Police Station,
Chennai.
Crime No.145 of 2021

...Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to set aside the return docket order passed in Crl.MP.Sr.No.363 of 2026 dated 04.02.2026 by the learned VI Additional Sessions Judge, Chennai, to entertain the surrender petition and the petition to recall the non-bailable warrant dated 17.12.2025 issued against the petitioner in S.C.No.304 of 2024, and further direct the trial court to consider and dispose of the said surrender and recall petition on the very same day, in the interest of justice.

For Petitioner : Mr.S.Arulselvan

For Respondent : Mr.S.Santhosh, GA (Crl. Side)



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ORDER

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This criminal original petition has been filed seeking to quash the docket order dated 04.02.2026 passed by the learned VI Additional Sessions Judge, Chennai, returning the petition in Crl.MP.Sr.No.363 of 2026 and to consequently entertain the petition for surrender, advance hearing and to recall the non-bailable warrant issued against the petitioner on 17.12.2025 in S.C.No.304 of 2024, and dispose of the said petition on the very same day.

2. The brief facts of the case are as follows :-

2.1 The petitioner is an accused facing trial in S.C.No.304 of 2024 before the learned VI Additional Sessions Judge, Chennai, for the offences under Sections 147, 148 and 307 of IPC, in Crime No.145 of 2021, on the file of the respondent-police.

2.2 The learned VI Additional Sessions Judge, Chennai, issued a non-bailable warrant against the petitioner on 17.12.2025. Aggrieved by the same, the petitioner filed a petition in Crl.MP.Sr.No.363 of 2026, seeking to consider the surrender of the petitioner, advance the hearing date and to recall the non-bailable warrant issued against him.



2.3 However, the learned Judge, vide docket order dated 04.02.2026, returned the said petition with the following endorsement:-

“Since the address of the accused, gets.. changed, a memo to that effect shall be filed.”

2.4 Challenging the same, the petitioner has come up with this petition.

3. Learned counsel for the petitioner submitted that the petitioner has been regularly appearing before the trial court. Since the petitioner was remanded to judicial custody on 13.11.2025 in respect of the cases in Crime Nos.406 & 408 of 2025 before the very same respondent police and was detained under Act 14 of 1982 (Goondas Act), he was unable to appear before the trial court on 17.02.2025. However, without considering any of the above said facts, the learned VI Additional Sessions Judge, Chennai, issued a non-bailable warrant against the petitioner on 17.12.2025, which is not sustainable. He further submitted that non-appearance on the part of the petitioner on 17.12.2025 had occasioned only due to his remand to judicial custody and his subsequent detention under Act 14/1982 and the same is neither wilful nor wanton and the same is solely due to the serious lapses committed on the part of the respondent-police in not bringing the same to



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the notice of the learned VI Additional Sessions Judge, Chennai. He also submitted that subsequently, the detention order was revoked on 20.01.2026 and the petitioner was granted bail by the learned Principal Sessions Judge, vide orders dated 27.01.2026 and 28.01.2026 made in Crl.MP.Nos.886 & 940 of 2026 respectively and the petitioner was released from judicial custody only on 30.01.2026 and immediately after coming to know that NBW was issued against him, the present petition was filed by the petitioner, which was mechanically returned, vide impugned docket order. Hence, he submitted that if the non-bailable warrant issued against the petitioner on 17.12.2025 is not recalled, he would be put to a great predicament. Accordingly, he prayed for appropriate orders of this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent fairly submitted that as on 17.12.2025 (date of NBW), the petitioner/accused was under preventive detention.

5. Having heard the learned counsel appearing on either side and perused the materials available on record, this Court is of the view that the non-appearance of the petitioner before the learned VI Additional Sessions Judge, Chennai 17.12.2025 is not an act of avoidance or negligence, rather the same is only on account of the petitioner's detention under Act 14/1982



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and due to the lapses committed on the part of the respondent police who failed to inform the same to the Sessions Court, NBW came to be issued against the petitioner.

6. In view of the above, the impugned docket order dated 04.02.2026 passed by the learned VI Additional Sessions Judge, Chennai, returning the petition in Crl.MP.Sr.No.363 of 2026 is set aside.

7. Further, the petitioner is directed to surrender before the jurisdictional Court within a period of one week from the date of receipt of a copy of this order. On such surrender, the learned VI Additional Sessions Judge, Chennai, shall consider the petition filed for surrender, warrant recall and advance hearing and recall the non-bailable warrant issued against the petitioner on 17.12.2025 in S.C.No.304 of 2024 and pass further orders on the very same day. The petitioner shall file an affidavit of undertaking that he will co-operate for the speedy disposal of S.C.No.304 of 2024.

8. With the above directions and observation, this criminal original petition stands allowed.

17.02.2026

skt

Neutral Citation: Yes/No

Note to office: Issue order copy on 17.03.2026.

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A.D.JAGADISH CHANDIRA, J.

skt

To:

1. The VI Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
R6, Kumaran Nagar Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court.

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