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CRL OP No. 9698 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9698 of 2026

Murugan @ Thirumurugan

..Petitioner(s)

Vs

The State Rep By Its
The Inspector of Police,
K-3 Aminjikarai Police Station,
Chennai District
Cr.No.182 of 2022.

..Respondent(s)

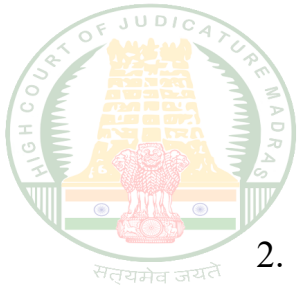
To set aside the returned docket order passed in CrI.M.P.SR.No.163053 of 2026 in S.C.No.404/2022 by the Learned VI Additional Sessions Judge, Chennai and direct the trial court to number the warrant recall and surrender petition.

For Petitioner(s): Mr.S.Abdulkhadhar

For Respondent(s): Mr.R.Vinothraja,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been seeking seeking to set aside the returning of docket order passed in CrI.M.P.SR.No.163053 of 2026 in S.C.No.404/2022 by the Learned VI Additional Sessions Judge, Chennai and direct the trial court to number the warrant recall and surrender petition.



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2. The contention of the learned counsel for the petitioner is that the petitioner, who is arrayed as first accused in S.C.No.404 of 2022, had filed a petition under Section 72(2) BNSS to recall the Non-Bailable Warrant issued against him. The learned VI Additional Sessions Judge, Chennai, by order dated 28.01.2026, did not entertain the petition and returned the same stating that the address of the accused not tallied with the address found in the final report and the earlier date of recall to be furnished. He further submitted that the petitioner took all efforts to substantiate the Trial Court that the petitioner earlier resided at Kodungaiyur and thereafter, shifted his residence to Chetpet, Chennai, however, the same was not accepted.

3. The learned counsel submitted that the petitioner's original name is Murugan @ Thirumurugan son of Anbu. However, the respondent Police on their own had given an alias name "Kooni Murugan". The petitioner is not having a Bank account or any other documents to show his previous residence at Kodungaiyur.

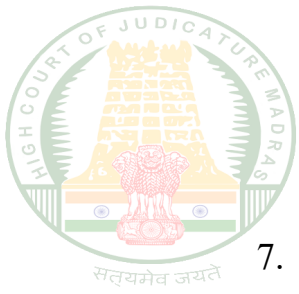
4. The learned counsel further submitted that in the course of investigation in Crime No.182 of 2022, the petitioner was arrested. While the petitioner obtained bail, he had executed a bond with sureties. In the sureties, the petitioner had affixed photographs and it is very much available in the Court



records. The respondent Police also not seriously disputing the identity of the petitioner. Further, after filing of charge sheet, the case was committed to the Sessions Court by the Committal Court. During committal proceedings, the identity of the petitioner was verified and thereafter, the case was bound over to the Sessions Court. Thus, the identify of the petitioner has been confirmed by the Magistrate. Now the Sessions Court raising doubts and not accepting the recall petition stating that there is a change of address, is not proper.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that the respondent Police have verified the photographs affixed in the surrender petition and after enquiry found that the petitioner is Murugan, son of Anbu and he was previously residing at Kodungaiyur and now shifted his residence to Chetpet. The person, who has filed surrender petition and the person, who is shown as A1 in the charge sheet are one and the same.

6. In view of the above submissions, the petitioner/A1 is directed to file an affidavit regarding his present and previous address. Upon such filing, the Sessions Court shall not to raise any objections on the difference in the address portion. It is further observed that the name of “Murugan s/o Anbu” is shown as “Murugan @ Kooni Murugan s/o Anbu, Kodungaiyur” in the charge sheet. Therefore, the identity of the petitioner can be verified with the respondent Police.



7. With the above observations and directions, this Criminal Original Petition is disposed of. The Registry is directed to return the original documents filed along with this petition to the petitioner so that the same can be represented before the concern Court.

17-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To

1. The VI Additional Sessions Judge, Chennai
2. The Inspector of Police,
K-3 Aminjikarai Police Station, Chennai District
Cr.No.182 of 2022
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

PVS

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