



Crl.O.P(MD)No.4077 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.4077 of 2026

L.Alagarsamy

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by the Inspector of Police,
Dindigul West Police Station,
Dindigul District.

2.P.Vetrivendhan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to recall the Non-bailable warrant against the petitioner in S.T.C. No.1077 of 2025 passed by the Learned Judicial Magistrate Court No.1, Dindigul dated 17.2.2026.

For Petitioner : Mr.K.R.Manimaran

For R1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)



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ORDER

This criminal original petition is filed to recall the Non-bailable warrant against the petitioner in S.T.C. No.1077 of 2025 passed by the Learned Judicial Magistrate Court No.1, Dindigul dated 17.2.2026.

2. The learned counsel for the petitioner submitted that the petitioner is the accused in a pending case in S.T.C. No.1077 of 2025 on the file of the learned Judicial Magistrate Court No.1, Dindigul filed by the 2nd respondent / *defacto* complainant under Section 138 and 141 of Negotiable Instrument Act. He further submitted that Non bailable Warrant has been issued as against him by the learned trial Court on 17.02.2026 after passing the judgment of conviction as against him. He drew my attention to the order passed by this Court in Crl.O.P(MD)No. 3256 of 2026 dated 17.02.2026 in which this Court had passed an order of interim stay restraining the learned trial Court from proceeding with the pending case in S.T.C. No.1077 of 2025 on the file of the Judicial Magistrate Court No.I, Dindigul. A memo in this regard was also duly filed before the learned trial Court by 12.08 p.m by the learned counsel



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for the petitioner before the learned trial Court submitting that an order of interim stay has been passed by this Court. The learned trial Court had recorded the same as follows :

“Complainant present. Accused absent. No representation. No petition filed. Judgement pronounced in open Court. Accused convicted. Detail judgment vide in separate sheet. Hence, issue NBW against accused. After the pronouncement of judgment, a memo filed through e-mode only on 17.02.2026 at 12.04 p.m station that stay given by Honorable High Court and recorded.”

3. The learned Government Advocate(Crl.Side) submitted that the accused / petitioner herein was not present on the date of pronouncement before the learned trial Court and no petition was filed in this regard. Left with no other option, the learned trial Court pronounced the judgment. Hence, there is no infirmity in the impugned order and sought dismissal of this petition.



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4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. When the petitioner/accused himself was absent and the complainant was present and when the learned counsel for the petitioner before the learned Trial Court did not bother to represent or explain the absence of the petitioner/accused, the learned Trial Court was left with no other option but to pronounce the judgment. Therefore, I do not find any infirmity in the issuance of a Non-Bailable Warrant (NBW) upon pronouncing the judgment of conviction.

6. In view of the above, this Criminal Original Petition stands dismissed. However, the petitioner is at liberty to file a criminal appeal taking grounds that order of interim stay was passed by this Court in Crl.O.P(MD)No.3526 of 2026, despite the same, the learned trial Court had passed an order of conviction and seeking an order of remand.

25.02.2026

NCC : Yes / No



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Index : Yes / No

Internet : Yes/ No

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To

- 1.The Judicial Magistrate Court No.1,
Dindigul.
- 2.The Inspector of Police,
Dindigul West Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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