



Crl. RC(MD)No.573 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD) No.573 of 2025

in

CRL MP(MD)No.6362 of 2025

M.Vasanthan Babu

.... Petitioner /Petitioner

Vs.

1.The State of Tamilnadu,
Rep by The Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
(Crime No.4 of 2019)

2.Umashree

... Respondents /Respondents

*(R-2 is suo-motu impleaded as per order of this Court
dated 22.07.2025 in Crl.RC(MD)No.573/2025)*

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and set aside the impugned order passed in Crl.M.P.No. 3865 of 2024 in C.C. No.1454 of 2022 dated 10.07.2024 passed by the learned Judicial Magistrate, Karaikudi.

For Petitioners : Mr. M.Arjun Varman

For R-1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



Crl. RC(MD)No.573 of 2025

For R-2

: M/s.Umashree,
Party-in-person

ORDER

Preface:

This Criminal Revision Case is directed against the order dated 10.07.2024 passed by the learned Judicial Magistrate, Karaikudi, in Crl.M.P.No.3865 of 2024 in C.C.No.1454 of 2022, whereby the learned Magistrate recalled the Non-Bailable Warrant issued against the revision petitioner, subject to certain conditions intended to secure his presence and ensure the smooth conduct of trial.

2. The revision petitioner seeks interference with the said order contending that the conditions imposed are onerous, unjustified, and disproportionate, particularly in view of his alleged overseas employment.

Gist of the case / Factual matrix:

3. The marriage between the revision petitioner and the *defacto* complainant was solemnized on 22.02.2013 and out of the wedlock, a male child was born.



Crl. RC(MD)No.573 of 2025

WEB COPY

4. Alleging persistent dowry demands, misappropriation of jewels and money, physical assault, mental cruelty, and criminal intimidation, the *defacto* complainant lodged a complaint before the Karaikudi All Women Police Station.

5. A case in Crime No.4 of 2019 came to be registered against the petitioner and others for offences under Sections 498-A, 406, and 506(i) IPC. Upon completion of investigation, a final report was filed on 14.08.2021 and taken on file as C.C.No.1454 of 2022 by the learned Judicial Magistrate, Karaikudi.

6. During the pendency of proceedings, the petitioner repeatedly remained absent. Despite service of summons, he failed to appear, compelling the learned Trial Court to issue a Non-Bailable Warrant on 21.09.2023.

7. The petitioner thereafter filed a recall petition in Crl.M.P.No. 3865 of 2024. By order dated 10.07.2024, the learned Magistrate recalled the NBW subject to the following conditions:

- (i) Production of passport within two days;



Crl. RC(MD)No.573 of 2025

(ii) Not to leave Tamil Nadu without Court permission;

(iii) Cooperation with trial proceedings;

(iv) Daily appearance before Court at 5.30 p.m. for five working days

8. Aggrieved by the imposition of these conditions, the present Criminal Revision Case has been filed.

Grounds urged by the revision petitioner:

9. The learned counsel for the revision petitioner contended that the conditions imposed are harsh, arbitrary, and excessive. The petitioner is employed abroad and is willing to participate in trial through video conferencing whenever feasible. The learned Trial Court failed to consider that the parents of the petitioner are regularly appearing. The matrimonial complaint itself is false and vindictive. Restriction on travel would result in irreparable loss of livelihood.



Crl. RC(MD)No.573 of 2025

Submissions of the respondent /State:

10. Per contra, the learned Government Advocate (Criminal Side) submitted that the petitioner has a consistent history of absconding and non-cooperation. Multiple anticipatory bail petitions and a quash petition were earlier dismissed. Even after recall of NBW, the petitioner failed to comply with the very conditions imposed. The impugned order is purely interlocutory and passed to secure presence of the accused. The revision is barred under Section 438(2) BNSS (corresponding to Section 397(2) CrPC).

11. Heard the learned counsel for the petitioners and carefully perused the materials available on record.

Point for consideration:

12. The point that arises for consideration is whether the order dated 10.07.2024 passed by the learned Judicial Magistrate, Karaikudi, recalling the Non-Bailable Warrant with conditions, warrants interference in revisional jurisdiction under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023?



Crl. RC(MD)No.573 of 2025

Analysis:

13. At the outset, this Court notes that the impugned order is one recalling a Non-Bailable Warrant and imposing conditions to ensure the presence of the accused during trial. Such an order is interlocutory in nature.

14. Section 438(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (pari materia with Section 397(2) CrPC) expressly bars revision against interlocutory orders, save in exceptional circumstances involving patent illegality or jurisdictional error.

15. The object behind issuance and recall of a Non-Bailable Warrant is not punitive but regulatory, aimed at securing the presence of the accused. The conditions imposed by the learned Trial Court are well-recognized safeguards and fall squarely within judicial discretion.

16. A perusal of records reveals that the petitioner has failed to appear despite summons, absconded after cognizance, suppressed



Crl. RC(MD)No.573 of 2025

his true whereabouts, and not complied with earlier court-imposed conditions.

17. The plea of overseas employment cannot be accepted as a carte blanche to evade criminal proceedings. Participation through video conferencing is not a matter of right and is subject to judicial satisfaction, especially in cases involving serious matrimonial offences.

18. The learned Magistrate has exercised discretion judiciously, balancing the liberty of the accused with the interest of justice. No perversity, arbitrariness, or illegality is demonstrated warranting interference.

19. This Court is also constrained to observe that the revision petition has been filed after considerable delay, evidently to protract the proceedings and frustrate the trial.

20. Revisional jurisdiction is supervisory and corrective, not appellate. It cannot be invoked to re-appreciate discretionary orders



Crl. RC(MD)No.573 of 2025

passed to regulate trial proceedings, unless grave miscarriage of justice is shown. Entertaining revisions against such orders would not only defeat the purpose of criminal process but also embolden dilatory tactics.

21. In view of the foregoing discussion, this Court finds no merit in the Criminal Revision Case. Accordingly, Crl.R.C.(MD) No. 573 of 2025 is dismissed. The order dated 10.07.2024 passed in Crl.M.P.No.3865 of 2024 in C.C.No.1454 of 2022 by the learned Judicial Magistrate, Karaikudi, is affirmed. Consequently, Crl.M.P. (MD) No.6362 of 2025 is closed. The learned Trial Court is directed to proceed with the trial expeditiously and conclude within a period of six months from the date of receipt of copy of this order.

27.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml



Crl. RC(MD)No.573 of 2025

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To

- 1.The Judicial Magistrate,
Karaikudi.
- 2.The Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl. RC(MD)No.573 of 2025

L.VICTORIA GOWRI, J.

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CRL RC(MD) No.573 of 2025

27.02.2026