



CRL OP(MD). No.12211 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30.06.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL OP(MD)No.12211 of 2026

J.Santhana Gopalan

... Petitioner

Vs.

The Superintendent of Police,
Central Bureau of Investigation,
Economic Offences Wing,
Rajaji Bawan, A Wing, 3rd Floor,
Besant Nagar, Chennai - 600 090.

... Respondent

Prayer: Petition filed under Section 528 of BNSS, to recall the Non Bailable Warrant issued by the learned Chief Judicial Magistrate, Madurai, against the petitioner herein / 7th Accused in C.C.No.2 of 2017, vide proceedings dated 16.06.2026.

For Petitioner : Mr.Uma Sudhan
for Mr.S.C.Herold Singh

For Respondent : Mr.C.Muthu Saravanan,
Special Public Prosecutor



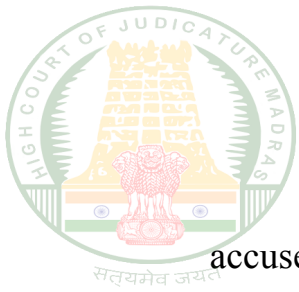
CRL OP(MD). No.12211 of 2026

ORDER

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The petitioner/A7 in C.C.No.2 of 2017 on the file of the learned Chief Judicial Magistrate, Madurai, has filed this petition seeking a direction to recall the Non-Bailable Warrant (NBW) issued against him on 16.06.2026, on account of his failure to appear before the Trial Court on that day.

2. The learned counsel appearing for the petitioner submits that the petitioner has filed a quash petition before this Court in Crl.O.P.(MD) No.2991 of 2023, and under the *bonafide* belief that the pendency of the said petition would suffice, he failed to appear before the Trial Court on 16.06.2026. He further submits that the petitioner has also filed a Memo before the Trial Court informing about the pendency of the quash petition before this Court. However, without considering the same, the Trial Court proceeded to issue the NBW against the petitioner. The learned counsel further submits that the petitioner is a reputed Chartered Accountant practising at Chennai and has a good case on merits before the Trial Court. According to him, the petitioner has been implicated only because he has issued certain certificates, based on which the other



accused had availed loans from SIDBI. It is contended that the petitioner has committed no wrongdoing and has been arrayed as an accused solely on account of issuing the said certificates in favour of the other accused.

3. The learned Standing Counsel appearing for the respondent opposed this petition, that the petitioner and the other accused have been dragging the proceedings before the Trial Court since the year 2018. Though the final report was filed in the year 2017, even the charges have not yet been framed. He also relied upon the judgment of this Court in ***P.A.Saleem and others vs. State and Another, reported in (1994) 2 LW (Cri) 402***, and submitted that this Court ought not to invoke its jurisdiction under Section 482 of the Cr.P.C. to issue directions for recalling a warrant pending before the Trial Court.

4. This Court has considered the rival submissions made on either side.

5. The petitioner has approached this Court seeking recall of the NBW issued against him. This Court, in *Saleem's case (cited supra)*,

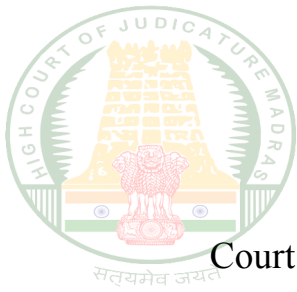


CRL OP(MD). No.12211 of 2026

while dealing with a similar issue, laid down certain guidelines. Ever since, this Court has consistently refrained from invoking its powers under Section 482 of the Cr.P.C. to issue directions relating to warrants pending before the Trial Court.

6. The petitioner is a Chartered Accountant. He has been implicated as an accused on technical grounds. Under the *bonafide* impression that he has a strong case in Crl.O.P.(MD) No.2991 of 2023, the petitioner appears to have omitted to appear before the Trial Court. At the same time, the objection raised by the learned Standing Counsel for the CBI that the trial has been stalled on account of the non-appearance of the accused also deserves due consideration.

7. Considering the status of the petitioner, the nature of the allegations levelled against him, and the pendency of the quash petition in Crl.O.P.(MD) No.2991 of 2023, this Court directs the petitioner to appear before the Trial Court on 04.07.2026, the date on which the case stands posted, and file an affidavit of undertaking stating that he will cooperate with the trial. Upon such undertaking being filed, the Trial



CRL OP(MD). No.12211 of 2026

Court shall consider the petitioner's request sympathetically, obtain a bond under Section 88 of the Cr.P.C., and recall the warrant pending against him.

8. Accordingly, this Criminal Original Petition is disposed of.

30.06.2026
(1/2)

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To

1.The Superintendent of Police,
Central Bureau of Investigation,
Economic Offences Wing,
Rajaji Bawan, A Wing, 3rd Floor,
Besant Nagar, Chennai - 600 090.

2.The learned Chief Judicial Magistrate,
Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL OP(MD). No.12211 of 2026

B.PUGALENDHI, J.

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CRL OP(MD) No.12211 of 2026

30.06.2026
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