

(2025) 11 MAD CK 1952

In the Madras High Court

Case No : Criminal Original Petition No. 31149 Of 2025

Arun @ Arun Kumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 14-11-2025

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 324, 326, 341, 427, 452, 504, 506(ii)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 72(2)

Citation : (2025) 11 MAD CK 1952

Hon'ble Judges : A.D.Jagadish Chandira, J

Bench : Single Bench

Advocate : R.Rajadurai, R.Vinothraja

Final Decision : Disposed Of

Judgement

A.D.Jagadish Chandira, J

1. This criminal original petition is filed seeking to set aside the docket order dated 24.10.2025 made in CrI.M.P.No. un numbered of 2025 in CC.No.114 of 2022 on the file of the VI Additional Sessions Court, Chennai and for a direction to number the recall petition and recall the warrant.

2. The petitioner is A1 facing trial in SC.No.114 of 2022, on the file of the VI Additional Sessions Court, Chennai, for the offences under Sections 452, 341, 324, 326, 307, 427, 504 and 506 (ii) read with Section 34 of IPC.

3. It is the case of the petitioner that he did not appear before the Court on 15.09.2025; therefore, the Trial Court had issued NBW against the petitioner; the petitioner filed a petition under Section 72 (2) of BNSS to recall the warrant; the learned Judge returned the petition stating that the earlier date of recall applications filed on the side of the petitioner have to be mentioned.

4. Challenging the said order, this criminal original petition is filed.

5. The learned counsel for the petitioner would submit that the petitioner is

ready to cooperate for the disposal of the case. He would further submit that the petitioner was unable to appear before the Court on 15.09.2025, on account of his illness. Thereafter, the petitioner appeared before the Trial Court and submitted his application, however, the same was returned. Therefore, he prayed that the impugned order may be set aside.

6. Heard the learned counsel on either side and perused the records.

7. When an accused who is facing NBW surrenders and files an application seeking recall of warrant, the Trial Court has to either consider the application by recalling the warrant or remand the accused. However, the learned VI Additional Sessions Judge, stated in paragraph No.3 supra.

8. It is seen from that records that the case is posted on 20.11.2025 for arguments. In view of the above, the petitioner is directed to surrender before the Trial Court on or any day before 20.11.2025 and file an application seeking to recall the warrant. The learned VI Additional Sessions Judge, Chennai, shall consider the said application and pass orders on the same day of surrender.

9. With the above direction, this criminal original petition stands disposed of.