

(2025) 12 MAD CK 1848

In the Madras High Court

Case No : Criminal Revision Case No. 2622 Of 2025

V.Mohan Babu

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 03-12-2025

Acts Referred:

Citation : (2025) 12 MAD CK 1848

Hon'ble Judges : Sunder Mohan, J

Bench : Single Bench

Advocate : V.Ragavachari, Sunny Shren Akkara, Dr.C.E.Pratap

Judgement

Sunder Mohan, J

1. The petitioner challenges the order passed by the learned Special Judge under the TNPID Act, Chennai, dismissing the petitioner's application for recall of NBW issued against him.

2. It is the case of the petitioner that even before the registration of the FIR, he left for London for his education; that he was not aware of any pending case against him; that no summons was issued by the trial Court to secure his presence; that a Non-Bailable Warrant was issued against him; that as soon as he came to know that an NBW was issued against him, he had filed an application for anticipatory bail before this Court and this Court while dismissing the anticipatory bail, had directed him to approach the trial Court for recall of warrant; that thereafter, he filed the petition for recall of warrant and the same was dismissed on the ground that the petitioner had not appeared in person for recalling the warrant; that he is now prepared to participate in the trial and since the warrant and a look-out circular is pending against him, he would be arrested at the Airport; that he may be given an opportunity to explain the circumstances under which he went abroad; and that his arrest may not be necessary as the final report has been filed and hence, prayed for setting aside the order.

3. The learned Government Advocate (Crl. Side), per contra, submitted that the

petitioner had been absconding through out; that the petitioner was not available in his address and his whereabouts were not known; that the petitioner was one of the main Directors of the financial establishments, which collected huge deposits from more than 1200 depositors totalling to Rs.250,98,65,000/- and the outstanding balance is Rs.87,50,73,778/- and hence, after the filing of the final report, the learned trial Judge had issued warrant as he was absconding; that further investigation is pending and since the petitioner did not appear before the learned trial Judge, the impugned order dismissing the application to recall the warrant is justified; and sought for dismissal.

4. It is the case of the petitioner that he had left for London even before the registration of the FIR. The prosecution however would claim that the petitioner had left for London only because he apprehended arrest, as the financial establishments, in which he was a main Director, defaulted in repaying the depositors.

5. Admittedly, the prosecution has not been able to secure the petitioner for the past more than three years. The petitioner is now ready to appear before the trial Court to participate in the proceedings. If the warrant issued against the petitioner and the look-out circular issued against the petitioner are not stayed, the petitioner would be apprehended at the Airport.

6. Therefore, this Court is of the view that the petitioner should be given an opportunity to explain his absence before the learned trial Judge. The learned trial Judge had dismissed the application of the petitioner for recall of warrant after referring to the overt act attributed to him and on the ground that the petitioner had not appeared before the learned trial Judge. Hence, to strike a balance, this Court is inclined to pass the following interim directions, pending disposal of the above revision.

(i) The look-out circular and the warrant against the petitioner shall remain stayed for a period of two weeks from today or till the petitioner appears before the trial Court and files appropriate application for recall of his warrant, whichever is earlier. The respondent should ensure that this order is communicated to the Immigration Authorities.

(ii) The petitioner on his appearance shall surrender his Passport before the trial Court.

(iii) On the appearance of the petitioner before the trial Court and on his filing the application to recall the warrant, the learned Judge may consider the same on its merits after hearing the Public Prosecutor for the respondents and shall pass appropriate orders as it deems fit, without being influenced by any of the observations made by it in the impugned order.

(iv) It is made clear that this Court has not expressed any opinion on the merits of the case and this order should not be construed as directing the trial Court to pass orders in any particular manner.

7. List the matter on 17.12.2025.