

In the Court of II Additional Sessions Judge, Erode

Present: V.Suresh B.A., B.L.,

II Additional District Judge, Erode

Monday, 15th day of June, 2026

M.P.No.27 of 2026 in SC.No.1 of 2025

1. Radhakrishnan, S/o.Ramasamy

2. Mohan @ Mohankumar, S/o.Late Sridharan

3. Ayyanar @ Balachandar, S/o. Lakshmanan

- Petitioners/ 2nd, 10th & 11th Accused

Vs

State represented by

the Inspector of Police,

PEW PS, Gobi,

Cr.No.861/2015

- Respondent/Complainant

This petition coming on 15-06-2026 before me for final hearing in the presence of Thiru.S.Sriravichandraprabhu, learned Advocate appearing for the petitioners and the learned Public Prosecutor, appearing for State, upon hearing the arguments of both parties, perusing the records and having stood over for consideration till this day, this court delivers the following ;

Order

01. The petitioners have filed this petition under section 483 (1) (b) of BNNS seeking to relax the condition imposed in C.M.P.No.15/2026.

02. The learned counsel for the petitioners would submit that the petitioners have been complying the condition as ordered by this court from 13-03-2026

and that the petitioners are sole breadwinner of the family and that by complying the condition, the petitioners are facing difficulties in attending regular day to day works and that the condition may be relaxed.

03. The learned Public Prosecutor would submit that the petitioners have been complying the conditions as directed by this court and that charges could not be framed due to non cooperation of the accused and that the petition may be dismissed.

04. This court had carefully considered the submissions of both sides. Records were perused carefully.

05. The accused are facing opening of case for the offence u/s 420, 468, 467, 471, 465, 468, 420 r/w 148, 212 of IPC 4(1) (Aaa) r/w 4(1A), 4(1)(K)(A) of TNP Act and 5, 6, 7, 4(1) (Aaa), 4(1A) r/w 5 & 6 TN Rectified Spirit Rules 2000. On perusal of records, it is found that on 19-02-2026, the case was posted for opening of case as no further adjournment and that the petitioners have deliberately with intention to drag on the proceedings had not appeared before this court and consequently, NBW was issued against them. The petitioners have surrendered before this court and filed petition in CMP.No.15 of 2026 on 13-03-2026 to recall the NBW.

06. The NBW against the petitioners were recalled on condition that they shall appear before respondent police on every Friday until Further orders. The accused one after another remained absent and the accused have not cooperated for framing of charges. The case was posted to 10-07-2026 for opening of prosecution case. In these circumstances, considering the nature of

the case and the facts that the accused have not been co operated for framing of charges, this court is of view that the petition has to be dismissed.

In the result, the petition is dismissed.

Directly dictated to Steno-Typist, typed by her, corrected and pronounced by me in open court on this 15th day June, 2026.

II Additional Sessions Judge,
Erode.

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Order

Dated: 15-06-2026