

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.2122 of 2015

S.Prabadevi

..Petitioner

Vs

1.The State rep.by
The Inspector of Police,
R9 Police Station,
Valasaarawalkam,
Chennai-600 087.

2.C.Jayapal

..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 1st respondent to execute the Non-Bailable Warrant issued against the 2nd respondent by the learned Principal Sessions Judge, Thiruvallur, in order dated 16.10.2014 passed in C.A.No.70 of 2013.

For Petitioner :Mr.P.Rathnavel

For Respondents :Mr.C.Emalias

Additional Public Prosecutor for R1

ORDER

It is the case of the petitioner that she launched a prosecution in C.C.No.16 of 2012 against one Jayapal under Section 138 of the Negotiable Instruments Act, 1881 and after trial, the said Jayapal was convicted by the trial Court on 13.08.2013 and sentenced to undergo simple imprisonment for three months and to pay compensation of Rs.13,00,000/- to the complainant under Section 357(3) CrPC, in default to undergo simple imprisonment for one month under Section 138 of the Negotiable Instruments Act, 1881. Aggrieved by the conviction and sentence, the said Jayapal filed C.A.No.70 of 2013 before the learned Principal Sessions Judge, Thiruvallur and the first Appellate Court, by Judgment dated 16.10.2014, dismissed the appeal and confirmed the conviction and sentence imposed by the trial Court.

2. It appears that the said Jayapal has not approached this Court by invoking its revisional jurisdiction and therefore, conviction and sentence imposed by the Court below have come to state.

3. It is the grievance of the petitioner/complainant that though the said Jayapal was convicted and sentenced as early as on 13.08.2013, he has not been arrested by the police in execution of Non-Bailable Warrant.

4. The learned Additional Public Prosecutor submitted that the police have received Non-Bailable Warrant on 20.11.2014 and a status report has been filed by Mr.K.Settu, Inspector of Police, R9, Valasaravakkam Police Station, Chennai City, wherein in Paras 9 to 11, as follows:

"9. It is submitted that I have sent a requisition letter to the concerned Telephone Department to furnish the call details of the 2nd respondent/accused in order to trace him. The Call details is yet to be obtained.

10. It is submitted that I have been formed a special team and they have visited the many places and enquired about the 2nd respondent/accused in order to apprehend him.

11. It is submitted that the respondent police has conducted an enquiry in a fair, free and impartial manner in accordance with law. Still the respondent police/special team is taking their sincere and effective steps in order to execute the Non-Bailable Warrant, dated 16.10.2014, issued by the learned Principal Sessions Judge, Thiruvallur, in C.A.No.70 of 2014."

In view of the aforesaid statement of the Inspector of Police, this petition is closed, with a direction the respondent police to be diligent in expeditious execution of the Non-Bailable Warrant by apprehending the accused.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Principal Sessions Judge, Thiruvallur.

2. The Inspector of Police,
R9 Police Station,
Valasaaravalkam, Chennai-600 087.

3. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.P.Rathanavel, Advocate, SR.19201.

ala(co)

krd 16/4

<https://hcservices.ecourts.gov.in/hcservices/>

Cr1.OP No.2122 of 2015