

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

CrI.O.P.No.25487 of 2015

Junaid Abid Ali

... Petitioner

Vs.

State By:

The Inspector of Police,
EDF-I Team, Central Crime Branch,
Greater Chennai City,
O/o.Commissioner of Police,
Vepery, Chennai.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police to execute the non-bailable warrant issued by the Hon'ble XI Metropolitan Magistrate against the accused viz. Mohammed Yaseen in C.C.B.Crime No.255 of 2014 pending on the file of the respondent police.

For Petitioner : Mr.S.M.Muralidharan

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed praying to direct the respondent police to execute the non-bailable warrant issued by the learned XI Metropolitan Magistrate against the accused viz. Mohammed Yaseen in C.C.B.Crime No.255 of 2014 pending on the file of the respondent police.

2.The petitioner herein lodged a complaint on 07.04.2014 with the Deputy Commissioner of Police, Central Crime Branch, Chennai against Mohammed Yaseen, Sivagami and Ramesh for defrauding him by receiving a sum of Rs.3,30,00,000/- as advance sale consideration for selling a property which was actually owned by a trust. In this regard, a case was registered in Crime No.255 of 2014 for the offence punishable under Sections 406, 420 r/w.34 of IPC against the accused. The respondent police on 21.08.2014 arrested the first accused namely, Mohammed Yaseen and he was remanded to judicial custody. Thereafter, he filed CrI.M.P.No.4375 of 2014 before the learned XI Metropolitan

Magistrate, Saidapet seeking bail and he was enlarged on bail. Thereafter, the petitioner filed Crl.O.P.No.1209 of 2015 for cancellation of bail granted to the above said accused. The said Crl.O.P. was allowed by this Court on 07.07.2015. Since the bail was cancelled, the learned XI Metropolitan Magistrate issued non-bailable warrant on 10.08.2015. Though more than four months have elapsed from the date of issuance of the warrant, till date the respondent police had not executed the non-bailable warrant. Hence, the petitioner has come forward with this petition.

3.Today, when the matter is taken up for consideration, a status report was filed stating that pursuant to the non-bailable warrant issued by the learned XI Metropolitan Magistrate, a special party was formed and an elaborate enquiry was made at the accused address situated at No.18A/21, Perambur High Road, Chennai and found that the door was locked for the past three months. Further, the neighbours and relatives were also not aware of Mohammed Yaseen. Further, a special team visited the office of the accused situated at No.103, R.K.Mada Road, Mandaveli, Chennai - 600 028 and found that the door was locked for the past four months and enquiry with the neighbours also revealed the same. It is further stated that on the information gathered from his brother Hameem, a requisition letter has been given to get the call details and tower location for the mobile bearing no.9952904684 and 9444368786 and after receipt of the details from the service provider, the respondent will proceed further and the respondent is taking sincere and possible efforts to secure the accused Mohammed Yaseen.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

5.Considering the submissions made on either side, this Court is constrained to pass the following order:

The respondent is directed to execute the Non Bailable Warrant to secure the accused namely, Mohammed Yaseen in C.C.B.Crime No.255 of 2014 pending on the file of the respondent police as early as possible preferably, within a period of four months from the date of receipt of a copy of this order.

6.With the above observation, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

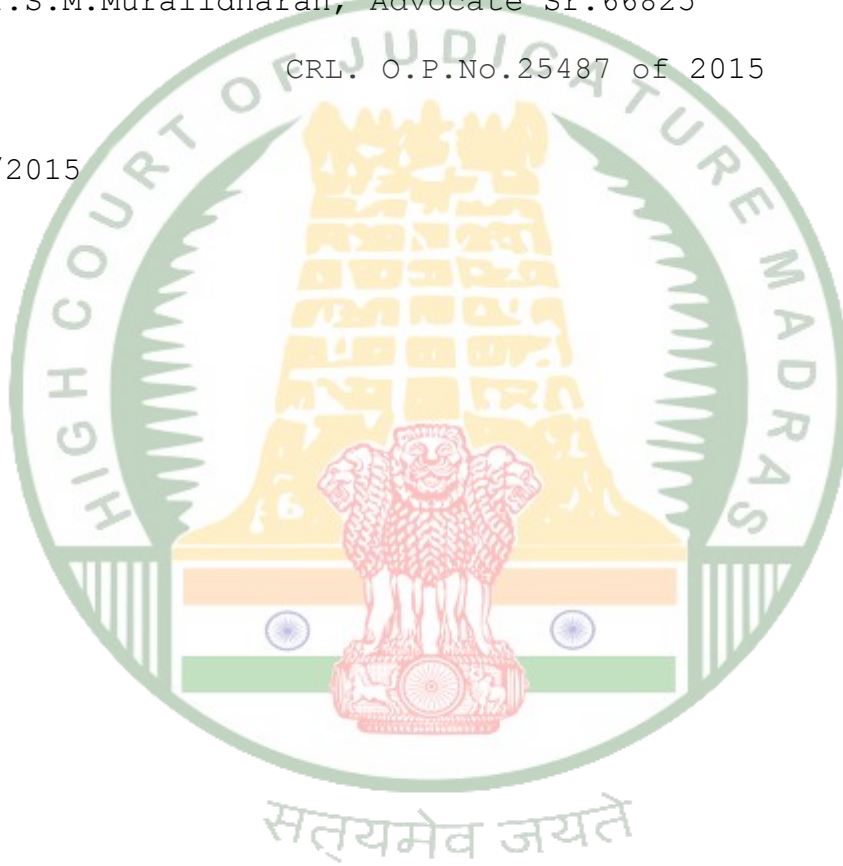
1.The Inspector of Police,
EDF-I Team, Central Crime Branch,
Greater Chennai City,
O/o.Commissioner of Police,
Vepery, Chennai.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.S.M.Muralidharan, Advocate Sr.66825

CRL. O.P.No.25487 of 2015

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