

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos.4789 and 4790 of 2015

A & A International Trading Pvt.Ltd.,
Rep.by its Managing Director M.Saikumar
Office at No.6-5/140
Kaviarasu Kannadasan Nagar
Kodungaiyur, Chennai 118 ... Petitioner in both
Crl.O.Ps.

Vs.

State rep.by
Inspector of Police,
F.3, Police Station
Nungambakkam, Chennai 34 ... Respondent in both Crl.O.Ps.

Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C., to direct the respondent police to execute the Non-Bailable Warrant as against the 3rd accused Mohideen Syed Ibrahim in C.C.No.5203 of 2011 and C.C.No.5204 of 2011 pending on the file of I Fast Track Metropolitan Magistrate Court, Egmore at Chennai and to file a report before the concerned Magistrate within a stipulated time as may be fixed by this Honble Court.

For Petitioner :Mr.R.Manickavel

For Respondent :Mr.C.Emalias,

Additional Public Prosecutor

COMMON ORDER

Seeking a direction to the respondent police to execute the Non-Bailable Warrant issued as against the 3rd accused Mohideen Syed Ibrahim in C.C.No.5203 of 2011 and C.C.No.5204 of 2011 respectively pending on the file of I Fast Track Metropolitan Magistrate Court, Egmore at Chennai and to file a report before the concerned Magistrate, the petitioner has come up with these petitions.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3. The respondent police has filed a counter affidavit, in which in paragraphs 4 and 5 it is stated as follows:

"4. I submit that based on the above, I have deputed Tr.Manimaran, Special Sub Inspector of Police and Tr.Victor, HC 2117 for execution of the above said N.B.W. On 25.2.2015, our police party gone to the mentioned address. One Tr.Mukunthan, Secretary of Gee Gee Emeralds Owner's Association given a written letter stating that M/s.Far East Coal Resources (P) Ltd., was running in his premises at 6th floor, subsequently they are vacated in the year 2009, their present whereabouts are not known to them. Further mentioned that number of police personals and bank staff were frequently visited their premises and enquired about the said company and they informed that they don't know the whereabouts of Mr.Moideen Syhid Ibrahim, Director of M/s.Far East Coal Resources (P) Ltd.

5. I submit that at present the accused company is not running in the address mentioned in the N.B.W, hence we are not able to execute the same. Hence, I have returned the Non Bailable Warrant to the Metropolitan Magistrate, Fast Track Court I, Egmore, Chennai on 2.3.2015."

4. In view of the above, these Criminal Original Petitions are closed with direction to the petitioner to file appropriate application for proclamation before the trial court. On such application being filed, the trial court is directed to enquire into the said application and dispose of the same, as as expeditiously as possible.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
F.3, Police Station
Nungambakkam, Chennai 34

2.The Public Prosecutor,
High Court, Madras.

2 cc to Mr.Ralph.V.Manohar ,Advocate, SR.No.23003

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ssi(co)
pmk.6.5.2015