

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.16132 of 2015

M/s. Dominion Power Systems Pvt. Ltd.,
Rep. by its Director Mr.S.Joseph

.. Petitioner

... Vs ...

State represented by,
The Inspector of Police,
B-1 North Beach Police Station,
Parrys, Chennai - 600 001.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police to secure the accused Prakash Bhatia in C.C.No.14 of 2010 on the file of the Judicial Magistrate, Alandur.

For Petitioner : Mrs.Shaikh Mehrunisa
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner seeking for a direction directing the respondent police to secure the accused viz., Prakash Bhatia in C.C.No.14 of 2010 on the file of the Judicial Magistrate, Alandur.

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

3. A report has been received from the learned Judicial Magistrate, Alandur. In the said report, it was specifically mentioned that C.C.No.14/2010 was taken on file on 05.01.2010 under Section 420 IPC against the accused and issued summons. On 09.03.2010 warrant was issued against the accused, since summon was returned with an endorsement "Unclaimed" Thereafter, on 19.07.2013, as per the request of the counsel for the complainant, the above case was referred to Lok Adalath for settlement. On 01.07.2014 the case records were returned from the Lok Adalath without any progress. After that, the

complainant has filed a petition for proclamation under Section 82 Cr.P.C. and this Court had also issued proclamation on 07.01.2015 and thereafter, the case was adjourned periodically for execution of warrant. On 11.12.2015, fresh NBW was issued against the accused Prakash Bhatia and directed the complainant to take effective steps to execute the NBW. But, till date, the complainant neither had chosen to file process fee nor had taken any steps to execute the warrant issued against the accused.

4. On a perusal of the report, it is seen that the complainant/petitioner herein neither had chosen to file process fee nor had taken any steps to execute the warrant against the accused and he come forward with this petition for securing the accused Prakash Bhatia in C.C.No.14 of 2010 pending on the file of the learned Judicial Magistrate, Alandur.

5. In such circumstances, the petitioner is directed to pay process fee and execute the Non-Bailable Warrant issued against the accused.

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

Jrl

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Alandur.
2. The Inspector of Police,
B-1 North Beach Police Station,
Parrys, Chennai - 600 001.
3. The Public Prosecutor,
High Court, Madras.

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