

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.16307 of 2015

S.Bhagyalakshmi

..Petitioner

Vs

Inspector of Police,
All Women Police Station,
Coonnoor,
Nilagiri District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the first respondent to secure the absconding accused in C.C.No.24 of 2013 on the file of the Judicial Magistrate, Coonnoor by the executing non bailable warrant dated 23.09.2013 in the manner known to law.

For Petitioner : Mr.A.Mohamed Ismail

For Respondent : Mr.M.Mohamed Riyaz,
Government Advocate(crl.side)

ORDER

The petitioner seeks for a direction to the respondent to secure the absconding accused in C.C.No.24 of 2013 on the file of the Judicial Magistrate, Coonnoor by executing non bailable warrant dated 23.09.2013 in the manner known to law.

2.The case of the petitioner is that marriage between the petitioner and one Daya Sekar was solemnized on 16.09.2004. Out of their wedlock, a girl child was born. Ever since the marriage, the petitioner's husband and his mother had been repeatedly harassing the petitioner by demanding dowry. Hence, the petitioner lodged a complaint before the respondent police on 16.08.2012. Based on the complaint given by the petitioner, a case has been registered as against her husband and her mother-in-law under Sections 498(A), 406 IPC r/w Section 4 of D.P. Act in Crime No.8 of 2012. On completion of investigation, a charge sheet has been filed by the respondent-police before the learned Judicial Magistrate, Coonnoor and the same was taken on file in C.C.No.24 of 2013.

3.Further, the case of the petitioner is that the petitioner has filed a case under Domestic Violence Act seeking maintenance and other reliefs. After filing counter, the petitioner's husband set ex-parte. Hence, the learned Judicial Magistrate, Coonoor had taken up the case on merits and ordered the husband of the petitioner to pay a sum of Rs.10,000/- to the petitioner and her daughter. However, the petitioner's husband had left to Singapore and he had not cared to obey the order of the Court. Hence, the learned Judicial Magistrate, Coonoor had issued a Non Bailable Warrant to the petitioner's husband on 23.09.2013 in C.C.No.24 of 2013 and the same is still pending. Therefore, the petitioner has filed the present criminal original petition seeking to secure the absconding accused in C.C.No.24 of 2013 on the file of the Judicial Magistrate, Coonoor by the executing non bailable warrant issued on 23.09.2013.

4.The learned Government Advocate(crl.side) appearing for the respondent has filed a status report stating that on 22.04.2013, the learned Judicial Magistrate, Coonoor issued Non Bailable Warrant against the accused persons viz., Dayasekar[A1], Premalatha[A2]. The passports of Dayasekar [A1] vide Passport No.X2253029 (old Passport No.G7481658] and Premalatha[A2] vide No.H5744398 (old Passport No.B0338899} were impounded by Madurai Passport Office as per the requisition letter sent by the respondent-police. The requisition letter was sent by the Deputy Inspector General of Police, CBCID, Chennai through the Superintendent of Police, The Nilgiris, along with the "Red Notice Application Form" to Interpol in respect of the accused Dayasekar [A1] and Premalatha [A2] from Singapore and United States of America respectively, as per extradition treaty. But, the "Red Notice Application Form" was returned by Interpol and advised to send "Blue Notice Application Form". Accordingly, the same was sent to Interpol on 10.09.2013. A letter was received from Interpol on 17.12.2013 in respect of Premalatha[A2], wherein it is mentioned that dowry related offences are not extraditable under the applicable extradition treaty between United States of America and India. Based on the above, a detailed report was submitted on 21.1.2014 to the Superintendent of Police, Nilgiris by the respondent police. Further, the respondent police had given Look Out Circular through the Superintendent of Police, The Nilgiris on 05.12.2014 for further action. At this stage, the petitioner has filed the present criminal original petition.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

6.On perusal of the status report filed by the learned Government Advocate(crl.side), it is made clear that that the respondent-police has taken sincere efforts to execute the non bailable warrant. Therefore, I am not inclined to fix a specific date to execute the Non Bailable Warrant. However, the respondent-

police is directed to execute the non bailable warrant as early as possible.

7. Accordingly, the criminal original petition is disposed of.

Sd/-
Asst. Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Inspector of Police,
All Women Police Station,
Coonnoor,
Nilagiri District.
2. The Superintendent of Police
Nilgiria
3. The Public Prosecutor,
High Court, Madras.

1 cc to Mr. A. Mohamed Ismail, Advocate, Sr. 2958

Crl.O.P.No.16307 of 2015

JSV (CO)
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