



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
Crl.O.P(MD)No.775 of 2016

M.Harikrishnan

: Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
B2-Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the respondents to execute the Non Bailable Warrant issued by learned Judicial Magistrate No.1, Ramanathapuram on 07.03.2014 as against Mr.Baskaran S/o.Manikam in connection with the case in S.T.C.No.532 of 2011 on the file of Judicial Magistrate No.1, Ramanathapuram.

For Petitioner : Mr.D.Balamurugapandi

For Respondents: Mrs.S.Prabha

Government Advocate (Crl.Side).

ORDER

The petitioner has come forward with this petition seeking a direction, directing the respondents to execute the Non Bailable Warrant issued by the Judicial Magistrate No.1, Ramanathapuram on 07.03.2014 as against one Baskaran S/o.Manikam in connection with the case in S.T.C.No.532 of 2011, on the file of Judicial Magistrate No.1, Ramanathapuram.

2.The counsel appearing for the petitioner would submit that the petitioner is the complainant and he has filed a complaint under Section 200 of Cr.P.C., r/w. Section 138 of Negotiable Instruments Act, before the Judicial Magistrate No.1, Ramanathapuram, which was taken on file in S.T.C.No.532 of 2011. He would further submit that, since the accused had failed to appear before the said Court, an NBW has been issued by the Judicial Magistrate No.1, Ramanathapuram as early as on 07.03.2014, but, till date, the respondent has not secured the accused. He would further submit that earlier, on 12.09.2013, NBW has also been issued by the Judicial Magistrate No.1, Ramanathapuram, but, latter it was recalled. Therefore, the petitioner has come forward with the aforesaid relief.



3. The Government Advocate (crl.side) appearing for the respondents would submit that the respondents are taking effective steps in securing the accused and therefore, prayed for dismissal of the Criminal Original Petition, as unnecessary.

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4. On perusal of the records would reveal that a complaint under Section 200 of Cr.P.C., r/w. Section 138 of Negotiable Instruments Act, has been filed before the Judicial Magistrate No.1, Ramanathapuram, which was taken on file in S.T.C.No.532 of 2011 and since the accused had failed to appear before the said Court, an NBW has been issued by the Judicial Magistrate No.1, Ramanathapuram as early as on 07.03.2014, but, till date, the respondent has not secured the accused. It could be seen from the records that earlier, on 12.09.2013, NBW has also been issued by the Judicial Magistrate No.1, Ramanathapuram, but, latter it was recalled. In these circumstances, this Court directs the respondent police to execute the Non-Bailable Warrant issued by the Judicial Magistrate No.1, Ramanathapuram on 07.03.2014 as against the said Baskaran in connection with the proceeding in S.T.C.No.532 of 2011, within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1, Ramanathapuram

2. The Superintendent of Police, Ramanathapuram District,
Ramanathapuram.

3. The Inspector of Police, B2-Bazaar Police Station,
Ramanathapuram, Ramanathapuram District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+one cc to M/s.D.Balamuruganpandi, Advocate in SR.No.4494

MPK

CSL/SKS-RR/02.02.2016/2P/6C