



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALACrl.O.P.(MD)No.9111 of 2016

A.Lekshmi

.. Petitioner

Vs.

1.The Inspector of Police
Eral Police Station
Tuticorin District

2.G.Muthuraj

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 1st respondent police to execute the non bailable warrant issued against the 2nd respondent in CMP No.579/2009 in M.C.No.27/2008 on the file of the Special cum Chief Judicial Magistrate Court, Nagercoil, within stipulated time fixed by this Court.

For Petitioner : M/s.T.Arul

For R1 : Mr.A.P.Balasubramani

Government Advocate (Criminal side)

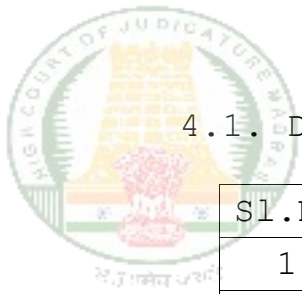
ORDER

The petition has been filed seeking direction to the 1st respondent police to execute the non bailable warrant issued against the 2nd respondent in CMP No.579/2009 in M.C.No.27/2008 on the file of the Special cum Chief Judicial Magistrate Court, Nagercoil, within stipulated time fixed by this Court.

2. It is the contention of the petitioner that despite the orders of maintenance having been passed, during the year 2009, ie., on 05.03.2009, maintenance is not regularly paid and therefore, non bailable warrant was issued on 09.01.2015. It is submitted that the warrant is not executed so far.

3. When the matter came up for hearing on 14.06.2016, this Court, considering the plight of the women suffering from the same problem, called for the pendency of the warrants throughout the State of Tamil Nadu.

4. When the matter was listed thereafter, the details of non bailable warrants remaining un-executed have been submitted by the respective Districts in the State of Tamil Nadu and the same was produced before this Court. It is seen from the list that there are 300 warrants pending execution throughout the State of Tamil Nadu.



4.1. District wise pendency:

Sl.No.	Name of the District	No. of NBW Pending
1.	Chennai	3
2.	Ariyalur	-
3.	Coimbatore	86
4.	Cuddalore	2
5.	Dharmapuri	2
6.	Dindigul	-
7.	Erode	-
8.	Kancheepuram	-
9.	Kanniyakumari	18
10.	Karur	-
11.	Krishnagiri	2
12.	Madurai	29
13.	Nagapattinam	14
14.	Namakkal	-
15.	Nilgiris	1
16.	Perambalur	-
17.	Pudukkottai	-
18.	Ramanathapuram	29
19.	Salem	19
20.	Sivagangai	-
21.	Thanjavur	-
22.	Theni	3
23.	Thoothukudi	2
24.	Tiruchirappalli	55
25.	Tirunelveli	-
26.	Tiruvallur	-
27.	Tiruvannamalai	10
28.	Tiruppur	5
29.	Tiruvarur	-
30.	Vellore	2
31.	Villupuram	-
32.	Virudhunagar	-
33.	Pudukcherry	18
	Total	300



5. The learned Government Advocate (Crl. Side) would submit that in respect of the Districts coming under the jurisdiction of Madurai Bench of Madras High Court, the Inspectors of Police would execute the warrant and it will be supervised by the Deputy Superintendents of Police.

5.1. In respect of other Districts also, similar assurance that warrants would be executed within a specified time has been given. He would further submit that as far as this case is concerned, non bailable warrant would be executed within a period of two weeks.

6. Even though the non bailable warrant has been issued, as it is towards non payment of arrears of maintenance and if the person liable to pay maintenance offers 20% of the arrears of maintenance, then the warrant shall be treated as bailable warrant and respondent may be released with an undertaking to appear before the concerned Court within a period of three weeks thereafter. On appearance, the Court concerned may sort out the issue by referring the matter to the Mediation Centre attached to that particular Court for settlement or one time payment or proceed with the matter in accordance with law.

7. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To:

1. The Inspector of Police

Eral Police Station

Tuticorin District.

2. The Additional Public Prosecutor

Madurai Bench of Madras High Court,

Madurai.

+One cc to Mr.T.Arul, Advocate, SR.No.49692

RR/ar

RL/4C/2P/SS2/SARI/29.11.2016

Crl.O.P.(MD)No.9111 of 2016