

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2642 of 2017

S.Jawahar

... Petitioner

Vs

1. M/s.Malliah Tea Factory (P) Ltd.,
Rep by its Managing Director
M.B.Rajendran, Bengalmattam Post,
The Nilgiris.

2. M.B.Rajendran
Managing Director,
Malliah Tea Factory (P) Ltd.,
Bengalmattam Post,
The Nilgiris.

3. The State rep by
The Inspector of Police,
Kolacombai Police Station,
The Nilgiris District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 3rd respondent, to secure the 2nd respondent to commit him in prison to serve the sentence imposed in C.C.No.11 of 2011 on the file of the learned Judicial Magistrate (FTC), Coonoor, within a stipulated time.

For Petitioner : Mr.J.Bharathiraja

For Respondent 2 : Mr.C.Raghavan,
Government Advocate (Crl. Side)

For R1 and R2 : No Appearance

O R D E R

This petition has been filed to direct the 3rd respondent, to secure the 2nd respondent to commit him in prison to serve the sentence imposed in C.C.No.11 of 2011 on the file of the learned Judicial Magistrate (FTC), Coonoor, within a stipulated time.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl. Side) for the third respondent.

3. It is seen that the respondents 1 and 2 are convicted in C.C.No.11 of 2011 by an order dated 10.02.2012 for the offences punishable under Section 138 of Negotiable Instruments Act. As against which the respondents 1 and 2 preferred an appeal and the same was also dismissed as against that order again the petitioner filed the Criminal Revision Petition in Crl.R.C.No.1241 of 2015, the said Revision also dismissed by an order dated 10.08.2016. Thereafter, the Non Bailable Warrant was also issued as against the respondents 1 and 2 herein. Even then, the third respondent has not taken any steps executing the Non Bailable Warrant for the respondents 1 and 2.

4. Considering the above facts and circumstances, the third respondent is directed to execute the Non Bailable Warrant dated 26.10.2016 issued in C.C.No.11 of 2011 on the file of the learned Judicial Magistrate (FTC), Coonoor within the period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rna

To

1. The Judicial Magistrate (FTC),
Coonoor.
2. The Inspector of Police,
Kolacombai Police Station,
The Nilgiris District.
3. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.J.Bharathiraja, Advocate, S.R.No.39659

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SSV(CO)
SSM(06/06/2019)