



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 15.12.2017**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

**CRL.OP. (MD) No.17279 of 2017**

Anandapandi

... Petitioner

vs.

1.Pushparagam Selma

2.State represented by

The Inspector of Police,  
Perumalpuram Police Station,  
Tirunelveli City.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent police to execute the Non-bailable Warrant dated 09.02.2016 issued by the learned Judicial Magistrate No.I, Tirunelveli in C.M.P.No.7033 of 2017 on 24.08.2017.

For Petitioner

: Mr.S.Mahendrapathy

For R2

: Mr.K.S.Durai Pandian

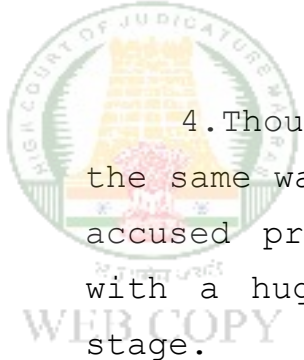
Additional Public Prosecutor

### **ORDER**

The Criminal Original Petition is filed to direct the respondent police to execute the Non-bailable Warrant dated 09.02.2016 issued by the learned Judicial Magistrate No.I, Tirunelveli in C.M.P.No.7033 of 2017 on 24.08.2017.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the second respondent.

3.It is stated by the petitioner that after full-fledged trial, the learned Judicial Magistrate No.I, Tirunelveli, convicted and sentenced the accused in the private complaint filed by the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and to undergo 1 year simple imprisonment and to pay a sum of Rs.3,00,000/- (Rupees Three lakhs only) within a period of three months from the date of judgment.



4. Though, an appeal was filed by the accused, it is stated that the same was dismissed in C.A.No.3 of 2014 on 14.03.2015. Though the accused preferred a Criminal Revision Petition before this Court with a huge delay of 406 days and the same was dismissed at SR stage.

5. It appears that the petitioner has filed a petition to execute the warrant issued against the accused and the learned Judicial Magistrate No.1, Tirunelveli, ordered the same on 20.10.2017. Despite the warrant was issued in October, 2017, it is stated that the respondent is failed to execute the warrant.

6. Considering the nature of grievances of the petitioner, this Court is inclined to allow the petition. Accordingly, the Criminal Original petition is allowed and the respondent police is directed to execute the Non-bailable Warrant issued against the first respondent dated 09.02.2016 by the learned Judicial Magistrate No.1, Tirunelveli within a period of two months from the date of receipt of a copy of this order.

Sd/-  
Assistant Registrar (T & P)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1,  
Tirunelveli.
  2. The Inspector of Police,  
Perumalpuram Police Station, Tirunelveli City.
  3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- +1cc to M/S.S.MAHENDRAPATHY, Advocate SR.No.93530.

CRL.OP.(MD) No.17279 of 2017  
15.12.2017