

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.20638 of 2018

Saravanan

..Petitioner

Vs

State Rep. by
The Inspector of Police,
Umarabath Police Station,
Vellore District.

..Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to issue a direction directing the respondent to execute the warrant dated 22.10.2016 issued by the Additional District Munsif Cum Judicial Magistrate, Ambur in C.C.No.55 of 2011.

For Petitioner : Mr.T.Dharani

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police to execute the warrant dated 22.10.2016 issued by the Additional District Munsif Cum Judicial Magistrate, Ambur in C.C.No.55 of 2011.

2 The petitioner is the complainant in C.C.No.55 of 2011, against one Ganasoundari. The Additional District Munsif Cum Judicial Magistrate, Ambur by an order dated 13.05.2013, convicted the said Ganasoundari for the offence under Section 138 of Negotiable Instrument Act and sentenced her to undergo Simple Imprisonment for a period of one year with payment of compensation of a sum of Rs.1,75,000/- payable within a period of two months. Aggrieved by the same, the said Ganasoundari filed CrI.A.No.11 of 2013 before the III Additional Sessions Court, Vellore. The Appellate Court by judgment dated 22.10.2016, partly allowed the appeal with regard to the sentence and confirmed the conviction of the Trial Court. The Appellate Court had modified the sentence of Simple Imprisonment for a period of six months and payment of compensation of Rs.1,75,000/- within a period of two months. The Appellate Court

also directed the Trial Court to secure the said Ganasoundari to undergo the sentence imposed by the Appellate Court.

3 According to the learned counsel for the petitioner, subsequent the judgment passed by the Appellate Court, the Additional District Munsif Cum Judicial Magistrate, Ambur had issued a warrant dated 22.10.2016 against the said Ganasoundari and the same is pending without execution by the respondent police. Therefore, the present petition has been filed seeking for appropriate direction.

4 In the facts and circumstances of the case, the respondent police is directed to execute the warrant issued by the Additional District Munsif Cum Judicial Magistrate, Ambur dated 22.10.2016 in C.C.No.55 of 2011, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall provide the correct address of the accused person namely Ganasoundari in order to enable respondent police to execute the warrant effectively within the time stipulated by this Court.

5 The Criminal Original Petition is allowed with the above directions.

Sd/-
Assistant Registrar(CS-ii)

//True Copy//

Sub Assistant Registrar

jen/rpl
To

1.The Additional District Munsif Cum Judicial Magistrate,
Ambur.

2.The III Additional Sessions Court,
Vellore

3.The Inspector of Police,
Umarabath Police Station,
Vellore District.

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.T. Dharani, Advocate SR.77352

Crl.O.P.No.20638 of 2018

PA(CO)
EU(06/12/2018)