

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.20698 of 2018

G.Krishnan

... Petitioner/Complainant

Vs.

1.Nari.A.Krishnamurthy,
Editor,
Thuppakki Monthly Magazine,
No.8, Murugesan Street,
East Tambaram, Chennai. Respondent/Accused No.1

2.The Inspector of Police,
Tirukoilur Police Station,
Tirukoilur. 2nd Respondent/State

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent police to execute the warrant issued in C.C.No.394/2002 on the file of the learned Judicial Magistrate, Tirukoilur against the first respondent herein and thereby secure his presence to be produced before the learned Judicial Magistrate, Tirukoilur.

For Petitioner : Mr.N.Suresh

For Respondent 2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the second respondent police to execute the Non-bailable Warrant issued against A1 in C.C.No.394 of 2002, pending on the file of the learned Judicial Magistrate, Tirukoilur.

2. The learned counsel for the petitioner would submit that the private complaint was filed by the petitioner against four accused persons for an offence under Sections 500, 501 and 502 of Indian Penal Code. Summons were also served on all four

accused persons. During pendency of the proceedings, A2 died. Remaining accused persons namely A1, A3 and A4 were not regularly appearing before the Court and therefore Non-bailable Warrant was issued against the accused persons.

3. The learned counsel for the petitioner would further submit that the case has now been split up and insofar as A3 and A4 are concerned, the case was numbered in C.C.No.21 of 2017 and there is no progress in the said case also. Insofar as A1 is concerned, the learned counsel would submit that the Non-bailable Warrant is pending against him right from 2016. The learned counsel also brought to the notice of this Court the entries that have been made in the dairy maintained in the Court, wherein it is seen that the case is adjourned on every occasion on the ground that the Non-bailable Warrant is pending against A1. Left with no other option, the present petition has been filed before this Court seeking for appropriate direction.

4. In the facts and circumstances of the case, there shall be a direction to the second respondent to execute the Non-bailable Warrant issued by the learned Judicial Magistrate, Tirukoilur, in C.C.No.394 of 2002. According to the learned counsel for the petitioner, A1 is currently available at Tambaram and the petitioner is also willing to co-operate with the second respondent to inform them about his whereabouts. The second respondent police shall execute the Non-bailable Warrant within a period of six months from the date of receipt of a copy of this order and shall produce A1 before the learned Judicial Magistrate, Tirukoilur. Immediately, after A1 is produced before the Court, the Court below shall secure the presence and shall complete the proceedings as expeditiously as possible. The Court below is also directed to complete the proceedings in C.C.No.21 of 2017, pending against A3 and A4 within a period of three months from the date of receipt of a copy of this order.

5. With the above directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nmm/dss

To

1.The Judicial Magistrate,
Tirukoilur.

2.The Inspector of Police,
Tirukoilur Police Station,
Tirukoilur.

3.The Additional Public Prosecutor
Madras High Court, Chennai.

+1 cc to Mr.N.Suresh, Advocate Sr.No.81882

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CA(CO)
CSL/21.12.2018



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