

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.19260 of 2016

T.Balakrishnan

..Petitioner

vs.

1. The Superintendent of Police
Office of the S.P.
Kanyakumari District.

2. The Inspector of Police
Kottar Police Station
Kottar, Nagercoil
Kanyakumari District.

3. M.Balakrishnan

..Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking for a direction to the first & second respondents police to execute the Bailable Warrant issued against the third respondent / accused in C.C.No.186 of 2008 by the learned Judicial Magistrate at Gudalur, Nilgiris.

For Petitioner Mr.Thanga Vadhana Balakrishnan
For Respondents Mrs.Kritika Kamal P
Government Advocate
(Crl Side) for R1 & R2

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondents 1 and 2 - police to execute the Bailable Warrant issued against the third respondent / accused in C.C.No.186 of 2008 by the Judicial Magistrate at Gudalur, Nilgiris.

2. The petitioner has initiated a prosecution in C.C.No.186 of 2008 before the Judicial Magistrate, Gudalur against the third respondent under Section 138 of the Negotiable Instruments Act. It is the case of the petitioner that the third respondent is in abscondence. Therefore, the Judicial Magistrate, Gudalur, had issued a warrant to the second respondent for securing the presence of the third respondent. Under such circumstances, the petitioner has filed the present petition with the above prayer.

3. From the information obtained from the petitioner's counsel under the Right to Information Act, 2005, it is seen that the warrant in C.C.No.186 of 2008 has not been received by

the second respondent. May be the warrant has been lost in transit. Hence, liberty is given to the petitioner to inform this fact to the Judicial Magistrate, Gudalur and apply for fresh warrant of arrest for execution.

With the above observation, this petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Judicial Magistrate, Gudalur.

2. The Superintendent of Police
Office of the S.P.
Kanyakumari District.

3. The Inspector of Police
Kottar Police Station
Kottar, Nagercoil
Kanyakumari District.

4. The Government Advocate (Crl.Side)
High Court, Madras.

+ 1 cc to M/s. Malarkodi, Advocate Sr.29258

Crl.O.P. No.19260 of 2016

(CS-DR)
EU (07/05/2018)

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