

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.22367 of 2016

1.M.R.G.Rajeswari

...Petitioner/Defacto Complainant

Vs

1.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

2.The Inspector of Police,
W-18, Makakavi Bharathi All Women Police Station,
Chennai. Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to issue direction to call for the records in C.C.8306 of 2007 on the file of Chief Metropolitan Magistrate, Egmore and consequently to issue direction directing the second respondent to execute the NBW in the above C.C.No: 8306 of 2007 on the file of C.M.M.Egmore, Chennai and dispose the case in a time frame.

For Petitioner : Mr.T.N.Murali Moghan

For Respondents: Mr.T.Shanmugarajeswaran
Government Advocate(Crl.Side)

ORDER

This petition has been filed by the defacto complainant to direct the second respondent to execute the Non-Bailable Warrant (NBW) which was issued against the accused in C.C.No:8306 of 2007 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and direct the trial court to dispose the case within the time that may be fixed by this court.

2. When this matter came up for hearing today, the learned Government Advocate(Criminal Side) has submitted that during pendency of this petition, the learned Chief Metropolitan Magistrate, Egmore, Chennai has taken action against the sureties by forfeiting bail bond and hence the accused Manavkumar Bakshi surrendered before the Chief Metropolitan Magistrate, Egmore on 20.08.2018 and he has been remanded to

Judicial Custody. He further submitted that as per the order passed by this Court dated 02.08.2018, the learned Chief Metropolitan Magistrate, Egmore has directed the Superintendent, Central Prison, Chennai to produce the said accused before this Court. Accordingly, the accused Manavkumar Bakshi has been produced before this Court today along with the warrant for remand.

3. It appears that the Registry has mistakenly sent the communication to the second respondent, as if this Court has directed the second respondent to arrest the accused and produce before this Court on 30.08.2018. But actually, no order was passed, to produce the accused before this court. For proper appreciation, the order passed by this Court on 02.08.2018, is extracted hereunder:-

"Today, Mr.D.Chitra, Inspector of Police is present. The Deputy Commissioner of Police, Pulianthope, Chennai has filed a status report dated 02.08.2018 detailing the steps that are being taken to apprehend the accused.

Recording the same, the respondent police are directed to execute the non-bailable warrant and to report to this Court.

Post on 30.08.2018. "

4. Since no order was passed by this Court on 02.08.2018 directing the second respondent to arrest the accused and produce before this Court, this Court called the Assistant Registrar Ms.Usha Rani, who has signed in the communication which has been sent to the second respondent and enquired with her, and during such enquiry, she has stated that the Court officer Ms.N.Revathi prepared the order, and in which, she signed without reading the said draft due to urgency. She further stated that the said Court officer is on leave today. The said Court Officer and the Assistant Registrar should be very careful in future while signing the Order and this mistake should not recur in future.

5. Since the accused himself surrendered before the aforesaid Chief Metropolitan Magistrate and he has been remanded to Judicial custody and he has been produced before this Court, it is ordered that the accused shall be sent back to the Central Prison with a direction to be produced before the Chief Metropolitan Magistrate tomorrow, i.e., 31.08.2018 at 10.30 a.m.,

6.Since the accused surrendered before the Chief Metropolitan Magistrate, this Criminal Original Petition is dismissed as infructuous. Since the case in C.C.No.8306 of 2007 is pending from the year 2007, the learned Chief Metropolitan Magistrate is directed to dispose of the said case as early as possible, preferably, within a period of three months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

ggi

To

1.THE COMMISSIONER OF POLICE,
GREATER CHENNAI,
VEPERY,
CHENNAI - 600 007.

2.THE INSPECTOR OF POLICE,
W-18, MAKAKAVI BHARATHI
ALL WOMEN POLICE STATION,
CHENNAI.

3.THE PUBLIC PROSECUTOR,
HIGH COURT OF MADRAS,
CHENNAI.

COPY TO:

1. THE CHIEF METROPOLITAN MAGISTRATE, CHENNAI.

2. THE SUPERINTENDENT OF CENTRAL PRISON, CHENNAI.

+ 1 cc to Mr. T.N. Muralimoghan, Advocate Sr.59994(4.09.2018)

CrI.O.P.No.22367 of 2016

KJ(CO)
TR(31/08/2018)

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