

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23564 of 2018

A.Nambhi

.. Petitioner

Vs

1.The Commissioner of Police,
Commissioner Office building,
132, EVK Sampath Road,
Vepery,
Chennai 600 007.

2.The Inspector of Police,
R-4, T.Nagar - Pandu Bazaar Police Station,
Chennai - 600 017.

3.S.Manohar,
Sadasiva Manohar Trading Metal & Chemicals,
Residing at old No.28, New No.34,
Nathamuni Street,
T.Nagar,
Chennai 600 017.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to issue an order of Direction, directing the 1st and 2nd respondents to arrest the 3rd respondent and produce him before the Honourable Judicial Magistrate Court, Hosur as per the arrest warrant dated 15.05.2017 issued by the Honourable Judicial Magistrate, Fast Track Court Hosur in S.T.C.No.272/2013 within the time frame fixed by this High Court.

For Petitioner : Mr.M.D.Thirunavukkarasu
For R1 and R2 : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

It is seen that the third respondent has been convicted and sentenced by the learned Judicial Magistrate, Hosur in S.T.C.No.272 of 2013 on 13.10.2014 under Section 138 of the Negotiable Instruments Act, and the conviction has been conformed by the Appellate Court namely, I Additional Sessions Court, Krishnagiri in C.A.No. 80 of 2014. Thereafter, the trial Court has issued a warrant of arrest and the same has been sent to the second respondent herein for

execution. Since the second respondent had failed to execute the same, the petitioner, who is a complainant in the trial Court is before this Court with the above prayer.

2.Today Ms.Y.Sangeetha, W.Gr.I 44135, R-4 T.Nagar Police Station is present before this Court.

3.On instructions, the learned Additional Public Prosecutor submitted that the warrant has been misplaced by the second respondent.

4.Accepting the submission, the Inspector of Police, R-4, Soundarapandiyanar Angadi Police Station, T.Nagar, Chennai is directed to appear before the Judicial Magistrate, Hosur within four weeks from the date of receipt of a copy of this order and file an affidavit stating that he had received the warrant, but the same was misplaced in the Police Station. On such affidavit being filed, the Magistrate shall accept the same and issue a fresh warrant. The second respondent shall thereafter execute the warrant expeditiously.

With the above direction this petition is ordered accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dua/gya

To

1.The Commissioner of Police,
Commissioner Office building,
132, EVK Sampath Road,
Vepery,Chennai 600 007.

2.The Inspector of Police,
R-4, Soundarapandiyanar Angadi Police Station,
T.Nagar, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.D. Thirunavukkarasu, Advocate Sr.69474

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RSK (CO)

EU (25/10/2018)

<https://hcservices.ecourts.gov.in/hcservices/>