



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

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THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CrI.O.P.(MD) No.3454 of 2018

Tangaraj
through his power of Attorney
Ayyasamy

... Petitioner

-Vs-

1. The Superintendent of Police,
Theni District, Theni.

2. The Inspector of Police,
Theni Police Station,
Theni District.

... Respondents 1 and 2

3. Vasavi Agro Tech Industries P.Ltd.,
No.134, Uppalpadu Begath Village,
Kethepalli Mandalam,
Nalakonda District, Andra Pradesh.,
Represented by its Managing Director,
Srinivas Polishetty.

4. Srinivas Polishetty (Managing Director),
Vasavi Agro Tech Industries P.Ltd.,

... Respondents 3 and 4 /
Accused Nos.1 and 2

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to execute non-bailable warrant issued against the fourth respondent in S.T.C.No.138 of 2015 on the file of the learned Judicial Magistrate (Fast Track) at Theni within a time stipulation fixed by this Court.

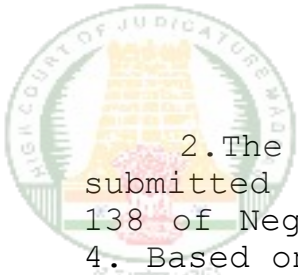
For Petitioner : Mr.J.Selvam

For R-1 and R-2 : Mr.Prabu Ramachandran

Government Advocate (Criminal Side)

ORDER

This petition has been filed to direct the second respondent to execute the Non-Bailable Warrant issued against the fourth respondent in S.T.C.No.138 of 2015 on the file of the learned Judicial Magistrate (Fast Track Court), Theni within a time fixed by this Court.



2.The learned counsel appearing for the petitioner has submitted that the petitioner has filed a complaint under Section 138 of Negotiable Instruments Act against the respondent Nos.3 and 4. Based on that, the case was taken on file in S.T.C.No.138 of 2015 on the file of the learned Judicial Magistrate, (Fast Track Court), Theni. He further submitted that after receipt of the summons, the respondent Nos.3 and 4 did not appear before the trial Court and hence, a Bailable Warrant was issued against the fourth respondent on 19.10.2016 and subsequently non-bailable warrant was issued on 27.02.2017, but, so far, the said Warrant has not been executed and hence, the aforesaid case is pending for the past three years.

3.The learned Government Advocate (Criminal Side) has submitted that the third respondent is the company and the fourth respondent is the Managing Director and the fourth respondent is residing at Andra Pradesh and hence, the police is not able to execute the Warrant. However, he requests to grant some reasonable time for executing the warrant.

4.Considering the aforesaid submissions, the second respondent is directed to verify whether actually Bailable Warrant was issued or Non Bailable Warrant was issued and execute the said Warrant by following the procedure within a period of three months time.

5.With the above observations, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate (Fast Track),
Theni.
 2. The Superintendent of Police,
Theni District, Theni.
 3. The Inspector of Police,
Theni Police Station, Theni District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- + 1 CC TO Mr.J.SELVAM, ADVOCATE IN SR No. 55932

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