



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)Nos.9855 of 2017 and 17673 of 2018

Hariramakrishnan
Crl.O.Ps.

... Petitioner in both

-Vs-

M.Sudalaimani

... Respondent

in Crl.O.P.(MD)No.9855 of 2017

1.The Sub Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai, Tirunelveli District.

2.M.Sudalaimani

... Respondents

in Crl.O.P.(MD)No.17673 of 2018

PRAYER in Crl.O.P.(MD)No.9855 of 2017: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the learned Judicial Magistrate, Nanguneri to expedite the trial in S.T.C.No.1052 of 2016 within a stipulated time as fixed by this Court.

PRAYER in Crl.O.P.(MD)No.17673 of 2018: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the first respondent to execute the Non Bailable Warrant as against the accused / second respondent herein and produce before the learned Judicial Magistrate, Nanguneri.

For Petitioner : Mr.J.C.Rathinavel Pandian
(in both Crl.O.Ps.)
For Respondent : No Appearance
(in Crl.O.P.(MD)No.9855 of 2017
For R1 : Mr.M.Chandra Sekaran,
Additional Public Prosecutor.
(in Crl.O.P.(MD)No.17673 of 2018

COMMON ORDER

The petitioner in both petitions is the complainant, who has filed a criminal complaint under Section 138 of Negotiable Instruments Act against the respondent. The complaint has been filed in the year 2016. Due to the non-appearance of the respondent, the Court below has issued non-bailable warrant on 17.11.2017. However, till date, the non-bailable warrant has not been executed and therefore, the case has come to a stand still and



there is no progress in the case.

2.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the non-bailable warrant is yet to be executed by the police. This petitioner has also filed Crl.O.P.(MD)No.9855 of 2017, to expedite the trial in S.T.C.No.1052 of 2016.

3.In the facts and circumstances of the case, there shall be a direction to the first respondent police to execute the warrant issued by the learned Judicial Magistrate, Nanguneri, in S.T.C.No.1052 of 2016, within a period of one month from the date of receipt of a copy of this order. The respondent police is directed to take immediate steps and produce the second respondent before the Court below. Immediately, thereafter, the Court below is directed to complete the proceedings, within a period of two months.

4.These Criminal Original Petitions are disposed of, with the above direction.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-II)

Myr

To

1.The Sub Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai, Tirunelveli District.

2.The Judicial Magistrate, Nanguneri.

3.The Chief Judicial Magistrate, Tirunelveli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.J.C.Rathinavel Pandian, Advocate in SR No.90308

CRL.O.P. (MD) Nos.9855 of 2017
and 17673 of 2018

NM/SKN/SAR II/12.11.18/2P/6C.