

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.01.2019

CORAM:
THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP.No.1171 of 2019

R.Thanigai Arasu

... Petitioner

Vs.

1.The Inspector of Police,
H-3, Tondiarpet Police Station,
Tirvottriyur High Road,
Chennai - 600 081.

2.M.K.Balamurugan.... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.PC to direct the 1st respondent Police to execute the Committal Warrant issued against the 2nd respondent by the learned Fast Track Court-II Magistrate, Egmore, Chennai pursuant to the order of conviction in C.C.No.17 of 2010 dated 29.08.2017.

For Petitioner : Mr.K.Thilageswaran

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the respondent police to execute the committal warrant issued against the 2nd respondent by the learned Fast Track Court-II Magistrate, Egmore in C.C.No.17 of 2010.

2. It is seen from records that the petitioner had filed a Criminal complaint against the 2nd respondent for an offence under Section 138 of the Negotiable Instruments Act. The learned Metropolitan Magistrate (Fast Track Court-II) Egmore by a Judgment dated 29.08.2017 convicted the 2nd respondent for an offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and also directed the 2nd respondent to pay a compensation of a sum of Rs.40,89,011.46/- to the complainant and in default to undergo a simple imprisonment of three months.

3. Aggrieved by this Judgement, the 2nd respondent filed an appeal in Crl.A.No.277 of 2017 before the learned Principal Sessions Court, Chennai. The Principal Sessions Court by a

Judgment dated 24.07.2018, dismissed the appeal and confirmed the Judgement of the trial Court.

4. Subsequent to the Judgement passed by the appellate Court, the trial Court had issued a committal warrant as against the 2nd respondent by an order dated 29.08.2017. This warrant has not been executed by the 1st respondent till date and therefore, the present petition has been filed seeking for an appropriate direction to the 1st respondent.

5. In the facts and circumstances of the case, there shall be a direction to the 1st respondent to forthwith execute the committal warrant issued against the 2nd respondent by the learned Fast Track Court-II Magistrate, Egmore in C.C.No.17 of 2010 by an order dated 29.08.2017. This process shall be completed by the 1st respondent within a period of one month from the date of receipt of a copy of this order.

6.This Criminal Original Petition is disposed of with a above direction.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vv2/rka

To

1.The Metropolitan Magistrate,
FTC No.2, Egmore at Alikulam,
Chennai.

2.The Inspector of Police,
H-3, Tondiarpet Police Station,
Tirvottriyur High Road,
Chennai - 600 081.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.Thilageswaran, Advocate, S.R.No.3847

Cr1.OP.No.1171 of 2019.

rrs 04/02/2019