

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.32123 of 2004

M/s.Sangeeta Traders,
Rep. by its Power of Attorney,
Mr.Ramachandran

... Petitioner

Vs.

1.Ramesh Chandak,
Proprietor,
M/s.Colour Cartons,
No.14, G.K.Industrial Estate,
Alapakkam, Porur,
Chennai 600 116.

2.The Commissioner of Police,
Egmore, Chennai 600 008.

3.The Inspector of Police,
Maduraivoyal Police Station,
Chennai.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to take the complaint dated 25.08.2004 on file and execute the sentence / judgment dated 17.04.2003 passed in C.C.No.43 of 2001 passed by the XVIII Metropolitan Magistrate, Saidapet, Chennai 600 015.

For Petitioner : Ms.Sri Prada Prabhakar
for Mr.M.Aravind Subramaniam

For Respondents : No Appearance, for R1
Mrs.K.Bhuvaneswari, AGP, for RR2 & 3

O R D E R

The prayer in the Writ Petition is for a mandamus directing the third respondent to execute the judgment passed in C.C.No.43 of 2001, dated 17.04.2003.

2. It is seen that though the petitioner has shown the accused as first respondent, the notice sent to him has been returned as "no such addressee", and as such, this Court is not in a position to ascertain as to whether the judgment dated 17.04.2003 passed in C.C.No.43 of 2001 has been challenged by the accused before the appropriate Forum.

3. The learned Additional Government Pleader appearing for the respondents 2 and 3 submitted that they have no records in connection with the said judgment and therefore, they are unable to take any further course.

4. In view of the aforesaid position, it would be appropriate to give liberty to the petitioner herein to approach the third respondent, in case, the judgment passed in C.C.No.43 of 2001 dated 17.04.2003 has become final.

5. In the light of the above observations, liberty is granted to the petitioner to make a representation to the third respondent, seeking for execution of the judgment dated 17.04.2003 in C.C.No. 43 of 2001, in case, the said judgment has not been suspended or stayed by an appeal / Revisional Court. On receipt of such a representation, the third respondent shall take appropriate action in accordance with law within a period of eight weeks therefrom. The Writ Petition stands ordered accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

pvs
To

Sub Assistant Registrar

1.The Commissioner of Police,
Egmore, Chennai 600 008.

2.The Inspector of Police,
Maduraivoyal Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Aravind Subramaniam, Advocate, S.R.No.21563

+1 cc to the Government Pleader, S.R.No.22656

W.P.No.32123 of 2004

SSM(04/04/2019).