

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.2579 of 2019

B.Ramesh

...Petitioner

Vs

1.The Superintendent of Police,
O/o the Superintendent of Police,
Villupuram - 600 602.

2.The Inspector of Police,
Kallakuruchi Police Station,
Kallakuruchi - 606 202.

3.R.Santheeswaran

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction to the 1st and 2nd respondents herein to execute the non-bailable warrant issued by the learned Metropolitan Magistrate cum Fast Track Court No.IV, George Town, Chennai-600 001 in C.C.No.1145 of 2017 dated 27.09.2018, issued against the 3rd respondent herein.

For Petitioner : Mr.S.Vediappan

For R1 & R2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the 2nd respondent to execute the Non-bailable warrant issued by the Court below.

2. It is seen from the records that the 3rd respondent was convicted for an offence under Section 138 of the Negotiable Instruments Act by Judgment of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai-1 in C.C.No.1145 of 2017, dated 27.09.2018 and he was sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.8,00,000/- and in default to undergo of further two months

simple imprisonment. On the date of Judgment, the accused was not present and therefore, a Non-bailable warrant was issued by the Court below to secure the accused in order to suffer the sentence.

3. The learned counsel for the petitioner submitted that the accused person has not preferred any appeal till date and he has not been secured by the 2nd respondent, in spite of the Non-bailable warrant issued by the competent Court.

4. This Criminal Original Petition is disposed of with a direction to the 2nd respondent to immediately execute the Non-bailable warrant issued by the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai-1 in C.C.No.1145 of 2017, dated 27.09.2018 and produce the accused person before the Court below in order to make him serve the sentence imposed by the Court below. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

vv2/rka

To

1.The Superintendent of Police,
O/o the Superintendent of Police,
Villupuram - 600 602.

2.The Inspector of Police,
Kallakuruchi Police Station,
Kallakuruchi - 606 202.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Vediappan, Advocate SR.No.8272

GMV(19/02/2019)

Cr1.O.P.No.2579 of 2019