



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.5864 of 2019

R.Chinnadurai

... Petitioner

Vs

1. B.Malaisamy

2. Inspector of Police,
Sholavandan Police Station,
Sholavandan 625 214
Vadipatti Taluk,
Madurai District.

... Respondents

(Respondent 2 is impleaded as per
order dated 13.03.2019 in Crl.M.P.No.
3585 of 2019)

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Inspector of Police, Sholavandan Police Station, Madurai, to execute the Non Bailable Warrant pending against the respondent/accused in C.C.No.1769 of 2018 on the file of the learned Metropolitan Magistrate Fast Track Court No.III, Saidapet, Chennai 15.

For Petitioner	: M/s.T.S.Kani
For Respondents	:Mr.C.Raghavan

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent to execute the Non Bailable Warrant pending against the first respondent/accused in C.C.No.1769 of 2018 on the file of the learned Metropolitan Magistrate Fast Track Court -III, Saidapet, Chennai.

2. It is seen from the records that the petitioner has filed a case in C.C.No.1769 of 2018 against the first respondent/accused for the offence under Section 138 of the Negotiable Instruments Act. The Court below has issued summon to the accused and appeared before the Court below on 12.06.2018. But the petitioner has not appeared before the Court below on 12.06.2018, hence, the Court below issued Non Bailable Warrant against the accused and posted



the case to 16.11.2018. On 16.11.2018, the accused has not appeared before the Court below. Again, the Court below issued Non Bailable Warrant against the accused and posted the case to 05.04.2019. In spite of warrant of arrest issued by the Court below twice, the second respondent police has not executed the NBW pending against the accused. Hence, the petitioner filed this petition.

3. Considering the facts and circumstance of the case, this Court directs the second respondent to execute the Non Bailable Warrant issued as against the first respondent, within a period of four weeks from the date of receipt of a copy of this Order, if the warrant is pending on the file of the second respondent.

4. Accordingly, this Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

lpp/mpa

To

1. The Inspector of Police,
Sholavandan Police Station,
Sholavandan 625 214
Vadipatti Taluk,
Madurai District.

2.The Metropolitan Magistrate,
Fast Track Court No.III, Saidapet, Chennai 15

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.T.S.Kani, Advocate SR.No. 23515

CrI.O.P.No.5864 of 2019

ssp(CO)

A.SK(06/05/2019)