

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5607 of 2019

Mr.Seshagiri Rao, ... Petitioner

Vs.

The Inspector of Police,
H-8, Thiruvottriyur Police Station,
Thiruvottriyur,
Chennai. ... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent herein to execute the bailable warrant issued by the Hon'ble Judicial Magistrate Court, Thiruvottriyur, Chennai in STC No.284/2013 against Mrs.Amirthammal, W/o.H.Narayanan and residing at No.62, Ambigai Nagar, Thiruvottriyur, Chennai 600 019.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent to execute the Bailable Warrant issued against the one Mrs.Amirthammal, W/o.H.Narayanan, for the offence under Section 138 of

Negotiable Instruments Act, by the learned Judicial Magistrate, Thiruvottiyur in S.T.C.No.284 of 2013.

2.The petitioner is a Senior Citizen and retired as Deputy Manager from Coramandel Fertilizers, Ennore on 31.12.2006. Out of his retirement benefits, on 10.01.2007, he deposited Rs.6,00,000/-, in the postal department through the accused, who is a licenced agent of postal department and also received Rs.13,500/- every quarterly till January 2012. Thereafter, he did not receive the interest amount for the month of March 2012. When enquired in the postal department, he came to know that his deposit amount was withdrawn by the accused prematurely as early as 18.01.2008. When he approached the accused with regard to the same, she admitted her guilt and issued two cheques dated 30.07.2012 and requested the petitioner to deposit the above said cheques for collection on 30.10.2012. When the petitioner deposited the same, it was returned for the reason "Funds Insufficient". Hence, he sent a legal notice under Section 138 of Negotiable Instruments Act. Though, the accused received the notice, neither replied nor she come forward to repay the money. Therefore, the petitioner lodged a complaint before the learned Judicial Magistrate @ Thiruvottriyur. The learned Magistrate took cognizance of the case in S.T.C.No.284 of 2013. The accused appeared initially and thereafter

did not appear before the trial Court. Hence, the learned Magistrate issued bailable warrant as against the accused on 03.01.2019. But till date, the respondent has not executed the warrant. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3. Heard both sides.

4. It is seen that the learned Judicial Magistrate, Thiruvottiyur, has issued a bailable warrant as early as on 03.01.2019, as against the accused person in S.T.C.No.284 of 2013. Hence, there shall be a direction to the respondent to execute the warrant, if issued, within a period of four weeks from the date of receipt of copy of this order. The petitioner is also directed to co-operate with the respondent to execute the warrant.

5. With the above directions, the Criminal Original Petition is disposed of.

Internet: Yes
Index: Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Judicial Magistrate,
Thiruvottriyur.
- 2.The Inspector of Police,
H-8, Thiruvottriyur Police Station,
Thiruvottriyur,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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