

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:26.03.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8110 of 2019

P.Selvakumar

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Station at Sooramangalam Police Station,
Salem Junction,
Salem District.

2.The Inspector of Police,
Salem Steel Plant Police Station,
Salem District.

3.R.Subramani

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondent police not to execute the non bailable warrant issued by the learned Judicial Magistrate No.III, Salem in C.C.No.226 of 2013 pursuant of the order passed by the learned I Additional District and Sessions Judge, Salem in C.A.No.19 of 2015 dated 14.12.2016.

For Petitioner : Mr.K.Selvakumaraswami

For Respondents : Mr.C.Raghavan
Govt. Advocate (Crl.Side)

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking for a direction to the first and second respondents police not to execute the non bailable warrant issued by the learned Judicial Magistrate No.III, Salem in C.C.No.226 of 2013 pursuant to the order passed by the learned I Additional District and Sessions Judge, Salem in C.A.No.19 of 2015 dated 14.12.2016.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first and second respondents.

3.It is seen that the petitioner is an accused and he was convicted in C.C.No.226 of 2013 for the offences punishable

under section 138 of Negotiable Instruments Act on the file of the learned Judicial Magistrate No.III, Salem, as against which in C.A.No.19 of 2015, it is also confirmed by the appellate Court by an order dated 14.12.2016. In pursuant to the said order, the learned Magistrate No.III, Salem issued non bailable warrant as against the petitioner and it is pending, as against which, the petitioner preferred revision before this Court along with delay in Crl.M.P.No.3207 of 2019 in Crl.R.C.Sr.No.10623 of 2019 and this Court has dismissed the same by an order dated 06.03.2019.

4. It is further seen that the petitioner has dragged the matter upto this Court from the year 2013 onwards. Therefore, the direction sought for in this petition is devoid of merits and hence dismissed. However the learned counsel for the petitioner submitted that, he will settle the amount to the third respondent within a period of one month.

5. In view of the above, the second respondent is directed to not to execute the non bailable warrant for a period of one month from today. If the petitioner fails to settle the amount to the third respondent, the second respondent is directed to execute the non-bailable warrant and take action on merits and in accordance with law.

6. In the result, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mpa/vsn

To

1. The Judicial Magistrate, III
Salem.

2. -do- thro' Chief Judicial Magistrate,
Salem.

3. The 1st Additional District and Sessions Judge,
Salem.

4. The Assistant Commissioner of Police,
Station at Sooramangalam Police Station,
Salem Junction,
Salem District.

5.The Inspector of Police,
Salem Steel Plant Police Station,
Salem District.

6.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.K.Selvakumaraswami, Advocate, S.R.No.28464

CrI.O.P.No.8110 of 2019

rrs 27/03/2019



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