

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11104 of 2019

N.Vijayalakshmi

... Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District.
 2. State rep. by
the Inspector of Police,
Mappedu Police Station,
Tiruvallur District.
 3. D.Sugendiran
- ... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st and 2nd respondents to execute the conviction warrant issued against the 3rd respondent dated 10.10.2018 in C.C.No.370 of 2017 on the file of the Judicial Magistrate, Fast Track Court, Magistrate Level, Ambattur.

For Petitioner : Mr.K.Narayanan

For Respondents : Mr.C.Raghavan
Govt.Advocate (Crl.Side)for R1 & R2

ORDER

The Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st and 2nd respondents to execute the conviction warrant issued against the 3rd respondent dated 10.10.2018 in C.C.No.370 of 2017 on the file of the Judicial Magistrate, Fast Track Court, Magistrate Level, Ambattur.

2.The learned counsel for the petitioner submitted that the petitioner filed a private complaint u/s.200 Cr.P.C. against the 3rd respondent on the file of the learned Judicial Magistrate, Fast Track Court, Ambattur in C.C.No.370 of 2017 for the alleged offence u/s.138 of Negotiable Instrument Act. After the trial,

the 3rd respondent found guilty of the offence and convicted by the trial court and sentenced him to undergo 9 months simple imprisonment and directed to pay the compensation of Rs.2,00,000/- within two months from the date of the judgment and default to undergo a further period of two months simple imprisonment. The above sentence has been suspended for a period of 30 days on the petition filed u/s.389(3) Cr.P.C. by the 3rd respondent since he intends to prefer appeal against the judgment.

3.The learned counsel would further submit that the 3rd respondent neither filed any appeal nor deposited the compensation amount as directed by the trial court. Thereafter, the 3rd respondent filed a petition in Crl.O.P.25148 of 2018 for a direction to extend the time for the period of four weeks of suspension of sentence passed in Crl.M.P.No.4163 of 2018 in C.C.No.370 of 2017 dated 07.09.2018, Wherein, this court directed the 3rd respondent to deposit the said compensation amount of Rs.2 Lakhs before the trial court and two weeks was granted to comply with the condition. Since, the imposed condition was not complied with, the learned Magistrate issued a conviction warrant dated 10.10.2018 to secure the 3rd respondent. Therefore, the present petition has been filed by the petitioner to direct the 2nd respondent to execute the warrant.

4.Considering the facts and circumstances of the case, this Court is inclined to direct the 2nd respondent to execute the conviction warrant issued against the 3rd respondent dated 10.10.2018 in C.C.No.370 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Magistrate Level, Amabttur within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, this criminal original petition stands disposed of.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

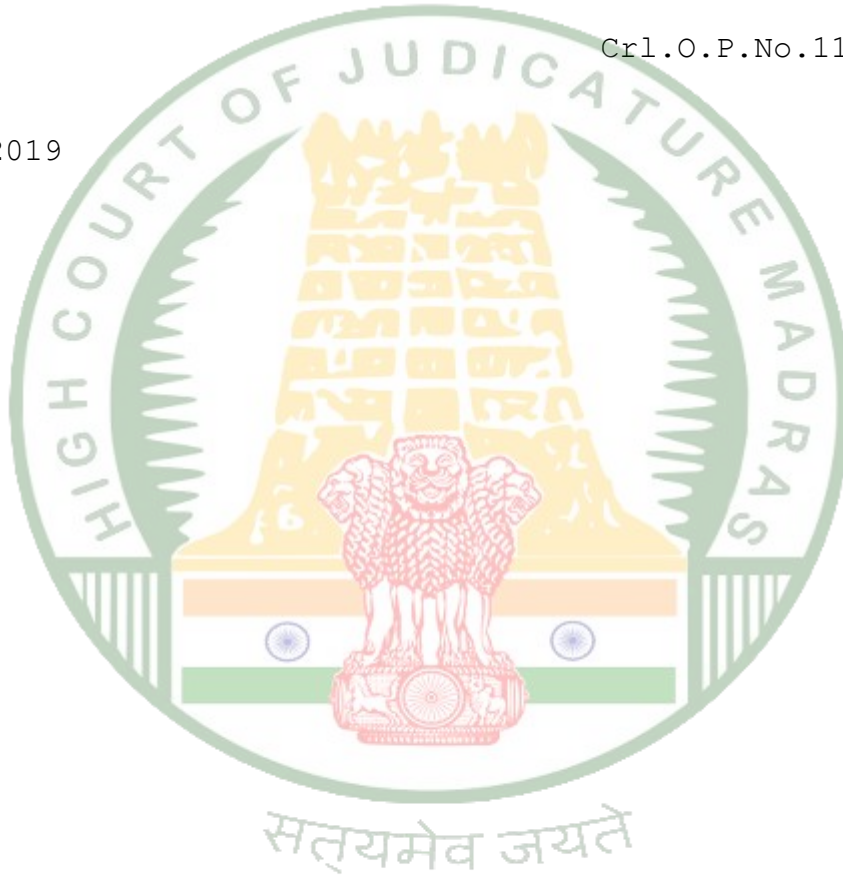
1. The Judicial Magistrate,
Fast Track Court, Magistrate Level,
Ambattur.

2. The Superintendent of Police,
Tiruvallur.
3. The Inspector of Police,
Mappedu Police Station,
Tiruvallur District.
4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Narayanan, Advocate, S.R.No.39986

Cr1.O.P.No.11104 of 2019

PA (CO)
CS/25/06/2019



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