

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.14746 of 2019

Revathi

...Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Salem, Salem District.

2.The Inspector of Police,
Mettur Town Police Station,
Mettur Dam,
Salem District.

3.P.Subramani

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent police to arrest the 3rd respondent/accused in connection with the judgment of conviction dated 3rd February 2015 on the file of Judicial Magistrate No.I, Mettur, in C.C.No.46 of 2013, confirmed by the judgment dated 7th August 2015 in Criminal Appeal No.36 of 2015, on the file of II Additional Sessions Judge, Salem.

For Petitioner : M/s.C.Arun Kumar

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

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ORDER

This petition has been filed for a direction to the respondent police to secure the accused person and produce him before the trial Court, in order to undergo the sentence imposed against him for the offence under Section 138 of the Negotiable Instruments Act.

2. The petitioner filed a complaint under Section 138 of the Negotiable Instruments Act, against the 3rd respondent and the trial Court by a judgment dated 03.02.2015, convicted the 3rd respondent and sentenced to undergo one year R.I and to pay a compensation of Rs.3,00,000/- and in default to undergo three months S.I. The 3rd respondent filed an appeal against the said judgment in Criminal Appeal No.36 of 2015, on the file of II Additional Sessions Judge, Salem and the appellate Court, by judgment dated 07.08.2015, confirmed the order of the trial Court and dismissed the appeal.

3. Thereafter, the petitioner has filed a memo before the trial Court on 26.09.2016 for the issuance of Non Bailable Warrant to secure the 3rd respondent to undergo the sentence. The trial Court has also issued a Non Bailable Warrant. Till today, the 3rd respondent has not been secured and therefore, the present petition has been filed seeking for an appropriate direction.

4. Heard, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5. There shall be a direction to the second respondent to immediately secure the third respondent pursuant to the Non Bailable Warrant issued by the Judicial Magistrate No.I, Mettur and produce him before the Court, within a period of four weeks from the date of receipt of a copy of this order. On such production, the trial Court shall remand the third respondent to judicial custody in order to undergo the sentence imposed in C.C.No.46 of 2013.

6. This Criminal Original Petition is ordered, accordingly.

Sd/-

सत्यमेव जयते Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Salem, Salem District.

2.The Inspector of Police,
Mettur Town Police Station,
Mettur Dam,
Salem District.

3. The Judicial Magistrate, No.I,
Mettur, Salem.

4. The Public Prosecutor,
High Court, Madras.

5. The II Additional Sessions Judge, Salem

+2cc to Mr.C.Arun Kumar, Advocate SR.No.47670

Crl.O.P.No.14746 of 2019

Spd(CO)
GMY(02/07/2019)



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