

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.23619 of 2017

Dr.V.Balakrishnan rep. by his
Power Agent K.Krishnan
No.35, Nagappan Nagar, First Main Road,
Chrompet, Chennai 600 044. ... Petitioner

-vs-

- 1.The Commissioner of Police,
Vepery/Egmore, Greater Chennai,
Chennai 600 008.
- 2.The Inspector of Police (L&O),
S-13, Chrompet Police Station,
Chrompet, Chennai - 600 044. ... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent police or through his sub-ordinate officers other than the second respondent to execute the Non-Bailable Warrant issued against the accused Mr.S.Nandagopal, S/o.Shankar resides at No.3 Central Bank Colony, Navamani II Cross Street, Chrompet Chennai 600 044 in C.C.No.2499 of 2010 on the file of XIV Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.R.Rajasekaran
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to the respondent police to execute the Non-Bailable Warrant issued against an accused person who was convicted for an offence under Section 138 of the Negotiable Instruments Act.

2.The learned counsel for the petitioner submitted that the petitioner filed a private complaint under Section 138 of the Negotiable Instruments Act and the learned XIVth Metropolitan Magistrate, Egmore, Chennai by a judgment dated 07.06.2012 convicted the accused person and sentenced him to undergo

imprisonment of one month Rigorous Imprisonment and directed him to pay a compensation of Rs.34,34,960/-. The accused person filed an appeal in Crl.A.No.115 of 2012 against the judgment of conviction and sentence and the complainant filed Crl.R.C.No.70 of 2012 seeking for enhancement of punishment. Both the appeal and the Criminal Revision were dismissed by judgment dated 10.10.2013. Thereafter, the accused person filed Crl.R.C.No.244 of 2018 before this Court and the same was also dismissed by an order dated 27.11.2018. Thus the judgment of the trial Court has been confirmed.

3.In view of the above development, liberty is given to the petitioner to file a memo before the trial Court seeking for issuance of Non-Bailable Warrant against the accused person in order to secure him to undergo the sentence. The trial Court shall immediately issue a Non-Bailable Warrant and the same shall be executed by the 2nd respondent and the accused person shall be produced before the trial Court to enable the trial Court to make the accused person undergo the sentence.

4.This Criminal Original Petition is disposed of with the above direction.

Sd/-

Deputy Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

vs

To

1.The XIV Metropolitan Magistrate,
Egmore, Chennai.

2.The Commissioner of Police,
Vepery/Egmore, Greater Chennai,
Chennai 600 008.

3.The Inspector of Police (L&O),
S-13, Chrompet Police Station,
Chrompet, Chennai - 600 044.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Rajasekaran, Advocate, S.R.No. 57266

CRL.O.P.No.23619 of 2017

NRJK(CO)
GN(08/07/2019)