

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.16274 of 2017

D.Rajasampathkumar

...Petitioner

Vs.

1. The Superintendent of Police,
Erode District, Erode.

2. The Inspector of Police,
Malayampalayam Police Station,
Malayampalayam.

3. S.Mohan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to execute the sentence of the District Munsif Cum Judicial Magistrate of Kodumudi, in C.C.No.2 of 2006, dated 08.12.2008 and confirmed by the lower appellate Court on 11.05.2009, in C.A.No.19 of 2009, further confirmed by this Court in CrI.R.C.No.573 of 2009 as per order dated 08.09.2015 within a time frame.

For Petitioner : Ms.D.Dhanalakshmi

For Respondents : Mr.C.Raghavan

Government Advocate for R1 & R2

ORDER

This petition has been filed for a direction to the respondent police to secure the 3rd respondent who has been convicted and sentenced for an offence under Section 138 of the Negotiable Instruments Act.

2. Petitioner is the complainant who initiated proceedings against the 3rd respondent for an offence under Section 138 of the Negotiable Instruments Act in C.C.No.02 of 2006. The trial Court by judgment dated 08.12.2008, convicted the 3rd respondent for the said offence and sentenced him to undergo simple imprisonment for one year and pay a compensation of

Rs.1,00,000/- within three months. Aggrieved by the said judgment, the 3rd respondent preferred an appeal in C.A.No.19 of 2009 before the Additional District Judge-cum-Fast Track Court, Erode and the appeal was also dismissed, confirming the judgment of the trial Court. This was challenged before this Court in CrI.R.C.No.573 of 2009 and the revision was also dismissed by an order dated 08.09.2015.

3. The learned counsel for the petitioner submitted that in spite of the fact that the 3rd respondent has been convicted and sentenced to undergo imprisonment, till date respondent police have not secured the 3rd respondent. The learned counsel further submitted that the trial Court has already issued a non-bailable warrant to secure the 3rd respondent to make him serve the sentence imposed against him.

4. Heard, the learned Government Advocate appearing on behalf of the respondent police.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 2nd respondent to immediately secure the 3rd respondent and produce him before the District Munsif cum Judicial Magistrate, Kodumudi in order to enable the learned Magistrate to send the 3rd respondent to judicial custody to serve the sentence imposed against him. This process shall be completed by the 2nd respondent within a period of four weeks from the date of receipt of copy of this order.

6. This criminal original petition is disposed of with the above directions.

Sd/-
Deputy Registrar (CJ Conf.,)

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सत्यमेव जयते
Sub Assistant Registrar

ssr

To

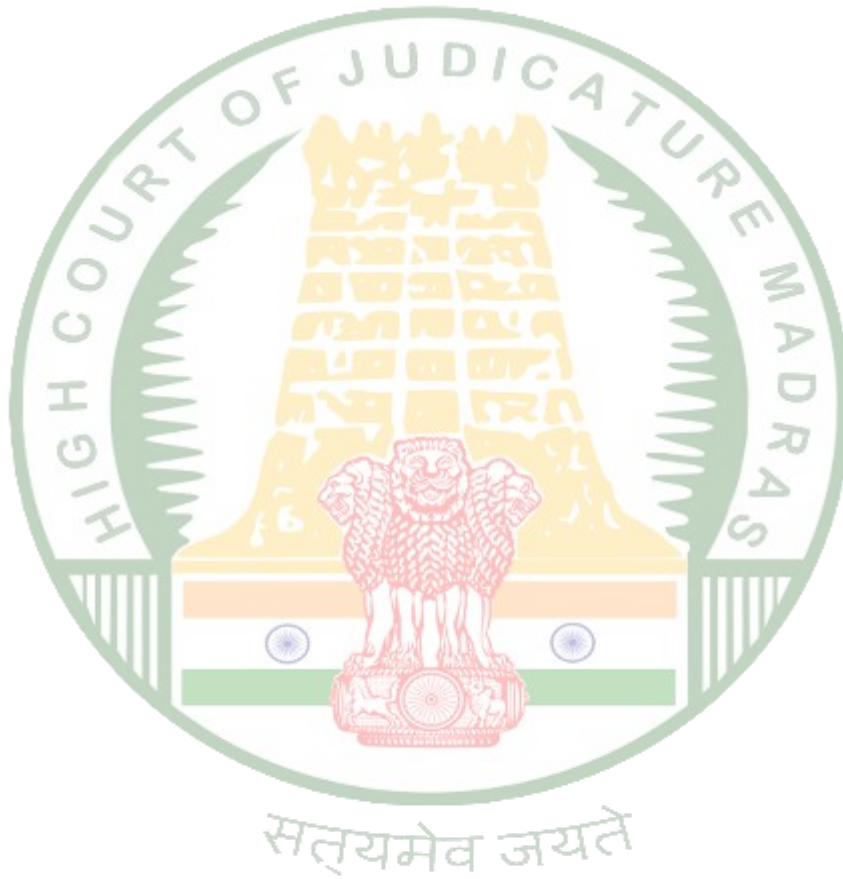
1. The District Munsif Cum Judicial Magistrate, Kodumudi
2. The Superintendent of Police,
Erode District, Erode.
3. The Inspector of Police,
Malayampalayam Police Station,
Malayampalayam.

4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.D.Dhanalakshmi, Advocate, S.R.No.67351

CRL.OP.No.16274 of 2017

AD(CO)
SSM(12/09/2019)



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