

CRL.M.P.No.16777 of 2019

in

Crl.A.No.657 of 2006

M.NIRMAL KUMAR, J.

The petitioner who is the complainant in C.C.No.4130 of 2002 had filed a private complaint against the respondent, before the learned IX Metropolitan Magistrate, Saidapet, Chennai for the offence under Section 138 of Negotiable Instrument Act.

2.The Trial Court, after the trial, acquitted the respondent by its order dated 28.06.2006, against which, the petitioner had filed Appeal before this Court in Crl.A.No.657 of 2006. This Court, by its judgment dated 28.03.2018 allowed the appeal by setting aside the acquittal order passed by the Trial Court as follows:

In the result,

a) this Criminal Appeal is allowed by setting aside the judgment in C.C.No.4130 of 2002 dated 28.06.2006 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai';

b)the respondent / accused is convicted and sentenced to undergo Simple Imprisonment for a period of six months and the Trial Court is directed to secure the accused and confine him in the prison to undergo the above sentence.

c)the respondent / accused is directed to pay the amount

of Rs.3,20,000/- to the petitioner / complainant forthwith.

(d)the High Court Legal Air is directed to pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the counsel Mr.M.Rajendran as fees.

3.In pursuant to the judgment rendered in Crl.A.No.657 of 2006 by this Court, the petitioner had approached the Trial Court and obtained Non bailable warrant (NBW) on 31.08.2018 and send it to the Superintendent of Police, Pudukottai to get the NBW executed and to secure the respondent / accused to undergo the sentence imposed by this Court. It is more than a year, the issued NBW is yet to be executed.

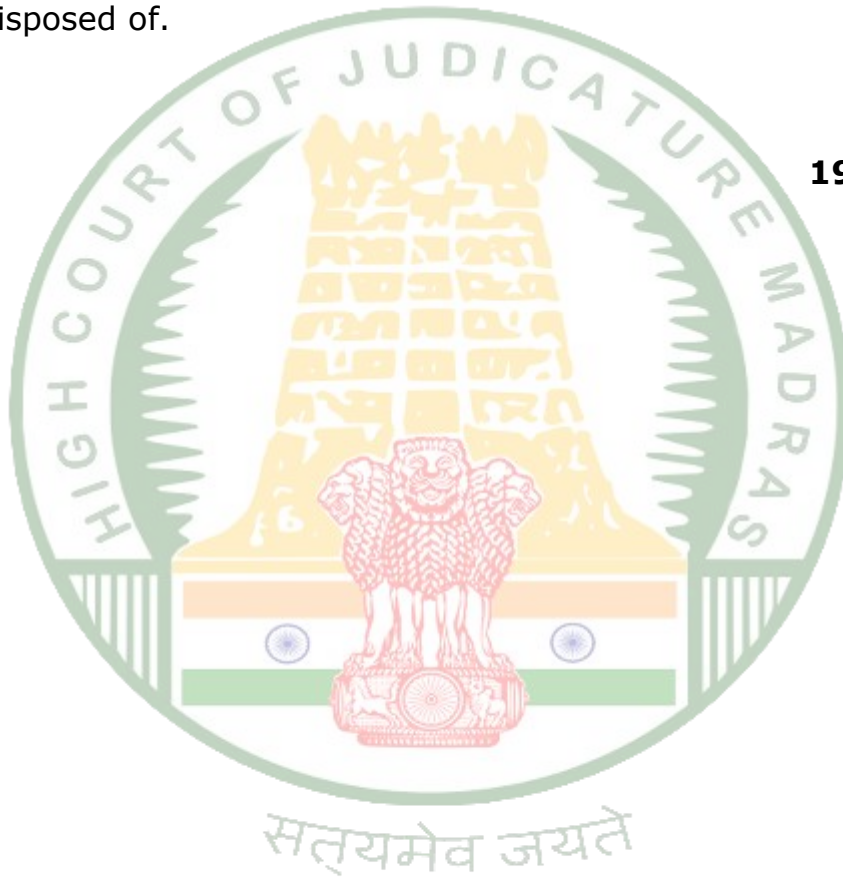
4.It is also submitted by the learned counsel for the petitioner that the respondent / accused is very much available and the police are not showing any inclination to execute the warrant.

5.In view of the same, the Superintendent of Police, Pudukottai, is hereby directed to execute the NBW issued against the respondent / convict in Crl.A.No.657 of 2006 and to produce him before the learned IX Metropolitan Magistrate, Saidapet, Chennai to undergo the

conviction and sentence imposed by this Court within a period of two weeks from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Miscellaneous petition stands disposed of.

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19.11.2019

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