



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.13408 of 2019

WEB COPY

M.Nazir

... Petitioner

-Vs-

1.A.Mekaraj

2.The Inspector of Police,
Melur Police Station,
Madurai District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to execute the Non Bailable Warrant issued by the learned Judicial Magistrate, Melur, Madurai in S.T.C.No.80 of 2017 dated 31.10.2018 as against the first respondent within a time limit stipulated by this Court.

For Petitioner
For 2nd Respondent

: Mr.M.Jegadeesh Pandian
: Mr.K.Suyambulinga Bharathi
Government Advocate(crl.side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to execute the Non Bailable Warrant issued by the learned Judicial Magistrate, Melur, Madurai in S.T.C.No.80 of 2017 dated 31.10.2018 as against the first respondent.

2.The learned counsel appearing for the petitioner would submit that the petitioner has filed an application under Section 138 and 142 of Negotiable Instruments Act before the learned Judicial Magistrate, Melur, Madurai District, in S.T.C.No.80 of 2017 as against the first respondent. During pendency of the trial, the first respondent did not appear before the concerned Judicial Magistrate and as such the trial Court issued Non Bailable Warrant on 31.10.2018. The said warrant was handed over to the second respondent to execute the same. Till today, the second respondent did not execute the same. Therefore, he sought for direction to direct the second respondent to execute the warrant issued as against the first respondent in S.T.C.No.80 of 2017.

3.The learned Additional Public Prosecutor appearing for the State would submit that the second respondent did not receive any Non Bailable Warrant issued in S.T.C.No.80 of 2017 from the file of the Judicial Magistrate, Melur, Madurai.



4.Considering the above facts and circumstances of the case, the Judicial Magistrate, Melur, Madurai District is directed to issue warrant as against the first respondent to the second respondent. On receipt of the same, the second respondent is directed to execute the same 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 is disposed of.

Sd/-

Assistant Registrar (CS 00)

// True Copy //

Sub Assistant Registrar(CS)

vsg

To

1.The Judicial Magistrate,
Melur,
Madurai.

2.The Inspector of Police,
Melur Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-89714[F] dated 26/09/2019)

Crl.O.P.(MD)No.13408 of 2019

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_KK/SAR/16.10.2019/2P-5C/