



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

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

WEB COPY

Crl.O.P.(MD) No.14139 of 2019

Grace Exports Company
through its Proprietor Murugan
S/o.Karuvelan
10/297-1, Muppulivetti Main Road
Ottapidaram Post
Thoothukudi District

...Petitioner/Complainant

Vs.

1. The Commissioner of Police
Coimbatore City, Coimbatore

2.The Inspector of Police
Podanur Police Station
Coimbatore City

3.A.Ashraf
Proprietor
Hindustan Traders
274-B, Taj Building
Near Podanur Post Office
Podanur Main Road
Podanur, Coimbatore

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 1 and 2 to execute the warrant of arrest (Non Bailable), dated 25.02.2019, issued against the 3rd respondent by the Fast Track Court - Magisterial level at Thoothukudi in C.C.No.35/2018.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.K.Suyambulinga Bharathi
No.1 & 2 Government Advocate(Crl.Side)

ORDER

This petition has been filed seeking direction to direct the first and second respondent to execute the warrant of arrest (Non Bailable), dated 25.02.2019, issued against the 3rd respondent by the learned Judicial Magistrate, Fast Track Court(Magisterial level) Thoothukudi in C.C.No.35/2018.



2. The learned counsel for the petitioner would submit that the petitioner initiated proceedings under Section 138 of the Negotiable Instrument Act against the third respondent in C.C. No.35 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court(Magisterial level) Thoothukudi. Before the trial court the third respondent did not appear and as such the trial court issued Non Bailable Warrant as against the third respondent on 25.02.2019, which is pending on the file of the second respondent. Till today, they have not taken any steps to execute the Non Bailable Warrant as against the third respondent herein.

3. The learned Government Advocate(Crl.Side) would submit that since the respondent police could not trace the address mentioned in the warrant they are unable to trace the accused and as such the warrant is pending with the second respondent.

4. Considering the above facts and circumstances of the case, the petitioner is directed to furnish the correct address and location of the third respondent to the second respondent and on receipt of the same, the second respondent is directed to execute the Non Bailable Warrant as against the third respondent in CC No.35 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court(Magisterial level) Thoothukudi within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

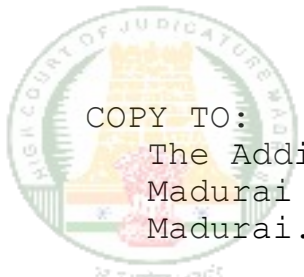
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Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Fast Track Court(Magisterial level),
Thoothukudi
2. The Commissioner of Police
Coimbatore City, Coimbatore
- 3.The Inspector of Police
Podanur Police Station
Coimbatore City



COPY TO:

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

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-91509[F] dated 04/10/2019)

Crl.O.P. (MD) No.14139 of 2019
04.10.2019

JM/24.10.2019/3P/6C