



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

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

Crl.O.P. (MD) .No.16132 of 2019

T.Chakkravarthy

... Petitioner/Complainant

Vs.

State represented by
The Inspector of Police,
Thirunagar Police Station,
Thirunagar, Madurai District.

... Respondent/Respondent

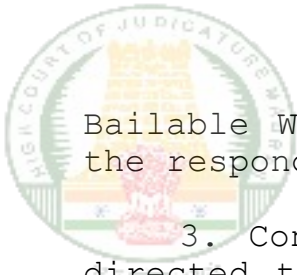
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondent to execute the non bailable warrant pending against the accused viz., T.Balavinayagam which had been forwarded vide D.No.46 dated 21.01.2019 pursuant to the confirmation of conviction and sentence imposed in S.T.C.No.747 of 2012, on the file of the learned Judicial Magistrate No.II / Fast Track Court, (Magisterial level), Madurai, Madurai District, vide Crl.A.No.170 of 2017, dated 13.11.2018, on the file of the learned IV Additional District and Sessions Judge, Madurai District.

For Petitioner : Mr.A.Thiruvadi Kumar
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent to execute the non bailable warrant pending against the accused viz., T.Balavinayagam which had been forwarded vide D.No.46 dated 21.01.2019 pursuant to the confirmation of conviction and sentence imposed in S.T.C.No.747 of 2012, on the file of the learned Judicial Magistrate No.II / Fast Track Court, (Magisterial level), Madurai, Madurai District, vide Crl.A.No.170 of 2017, dated 13.11.2018, on the file of the learned IV Additional District and Sessions Judge, Madurai District.

2. It is seen from the records, the petitioner has initiated a proceedings under 138 of Negotiable Instruments Act as against the accused. The trial Court convicted the accused in S.T.C. No.747 of 2012 and awarded 6 months simple imprisonment and to pay Rs.10,00,000/-as compensation under Section 357 of Cr.P.C., in default to undergo 2 months simple imprisonment, as against the conviction order, the accused preferred an appeal in Crl. A. No.170 of 2017 before the learned IV Additional District and Sessions Judge, Madurai, Madurai District and also confirmed the conviction. Even, then the accused not settled the amount and also not surrender before the trial Court. Therefore, the trial Court has issued Non



Bailable Warrant on 21.01.2019 and the same has been forwarded to the respondent and the same is still pending for execution.

3. Considering the facts and circumstances, the respondent is directed to execute the Non-Bailable warrant issued as against the accused in S.T.C. No.747 of 2012 on the file of the learned Judicial Magistrate No.II/Fast Track Court, (Magistrate Level), Madurai, Madurai District and also directed to furnish a correct address of the accused.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Judicial Magistrate No.II / Fast Track Court,
(Magisterial level), Madurai.
- 2.The IV Additional District and Sessions Judge,
Madurai District.
- 3.The Inspector of Police,
Thirunagar Police Station,
Thirunagar, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.A.THIRUVADI KUMAR, Advocate Sr. No. 96770

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DB(CO)

TR(22.11.2019)2P 6C