



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2019

CORAM:

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

Crl.O.P. (MD) .No.16816 of 2019

Govindarajan

... Petitioner

Vs.

The Inspector of Police,
S.S.Colony Police Station,
Madurai.

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the respondent police to execute the warrant issued in S.T.C.No.2617 of 2013 on the file of the learned Judicial Magistrate, Periyakulam, dated 26.08.2019.

For Petitioner : Mr.P.R.Prithviraj

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

O R D E R

This petition has been filed seeking direction to direct the respondent police to execute the warrant issued in S.T.C.No.2617 of 2013 on the file of the learned Judicial Magistrate, Periyakulam, dated 26.08.2019.

2.The petitioner initiated proceedings under Section 138 of the Negotiable Instruments Act in STC No.2617 of 2013 on the file of the learned Judicial Magistrate, Periyakulam. The learned Trial Judge by order dated 26.08.2019 found the accused guilty and convicted and sentenced him to undergo six months simple imprisonment and to pay the cheque amount of Rs.5,00,000/- as compensation to the petitioner within two months in default to undergo two months simple imprisonment. As against which, the accused preferred an appeal in C.A. No.55 of 2017 on the file of the Additional District and Sessions Judge, Periyakulam, and the same was dismissed and confirmed the conviction passed by the trial Court. After dismissal of the appeal, the accused has not preferred any revision and he has not paid the compensation amount of the petitioner. Considering all these facts, the trial Court issued Non Bailable Warrant against Mr.Kannan, which is still pending on the file of the respondent.



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 respondent.

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4.Considering the above facts and circumstances of the case, the petitioner is directed to furnish the correct address and location of the accused namely Mr.Kannan to the respondent police and on receipt of the same, the respondent is directed to execute the Non Bailable Warrant as against the accused in STC No.2617 of 2013 on the file of the learned Judicial Magistrate, Periyakulam within a period of four weeks from the date of receipt of a copy of thus order.

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

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

vsg

To

1.The Judicial Magistrate,
Periyakulam.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai.

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

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate (SR-100003[F] dated
20/11/2019)

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MR (CO)

TR(19.12.2019) 2P 5C