

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6762 of 2018

D.Venkatesan

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Bagayam Police Station,
Vellore District.

2.V.Mohan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to execute the warrant for arrest against the second respondent in C.C.No.44 of 2015 in pursuant of Judgment and conviction passed by the Judicial Magistrate (Fast Track), Vellore judgment dated 01.02.2017.

For Petitioner : No appearance

For Respondents : Mr.K.Prabakar
Additional Public Prosecutor for R1

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to execute the Non-bailable warrant for arrest against the second respondent in C.C.No.44 of 2015, pursuant of Judgment and conviction passed by the Judicial Magistrate (Fast Track), Vellore dated 01.02.2017.

2. The case of the prosecution is that the petitioner has filed a complaint under Section Negotiable Instruments Act against the second respondent. The same was ordered in favour of the petitioner before the learned Judicial Magistrate (Fast Track) Vellore, dated 01.02.2017. After trial, the learned Judicial Magistrate (Fast Track) convicted the second respondent with six month imprisonment and fine amount Rs.5,000/-. If the second respondent failed to pay the said fine amount, the second respondent shall go to prison for further period of one month. Thereafter, the petitioner made several request before the first respondent for executing the

non bailable warrant and to arrest the second respondent, but till date the first respondent has not executed the non bailable warrant against the second respondent.

3.The learned Additional Public Prosecutor on instructions submitted that the learned Judicial Magistrate (Fast Track) convicted the second respondent in C.C.No.45 of 2015 dated 21.09.2016. Thereafter, the second respondent did not prepare any appeal and also trial Court executed non-bailable warrant against the second respondent pending on file of the first respondent.

4.Considering the above facts and circumstances, the first respondent is directed to execute the non bailable warrant against the second respondent in C.C.No.44 of 2015 dated 01.02.2017 within a period of eight weeks from the date of receipt of copy of this order. The petitioner is also is directed to produce the correct address proof of the second respondent to the first respondent and also to co-operate with the first respondent for execution of non bailable warrant against the second respondent.

This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, (Fast Track),
Vellore.

2.The Inspector of Police,
Bagayam Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6762 of 2018

LN(CO)
GMY(10/09/2020)