

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.4025 of 2020

S.Jayasimman

... Petitioner

Vs.

1. A.Rajendra Kumar

2. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Police Building,
E.V.Sampath Road,
Chennai - 600 007.

3. The Inspector of Police,
K4, Thiru Vi Ka Nagar Police Station,
Chennai - 600 082.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the respondents to execute the warrant of arrest dated 27.12.2019 issued by the Hon'ble Court of Judicial Magistrate - I, Chengalpattu in C.C.No.317 of 2015.

For Petitioner : Mr. P.G.Perumal Pandian

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor
(for R2 and R3)

O R D E R

This petition has been filed to direct the respondents to execute the warrant of arrest dated 27.12.2019 issued by the Judicial Magistrate - I, Chengalpattu in C.C.No.317 of 2015.

2. The learned counsel for the petitioner has submitted that the petitioner herein has filed a private complaint under Section 138 of Negotiable Instruments Act against the first respondent herein. Based on the said complaint, the learned Judicial Magistrate No.1, Chengalpattu has taken the case on file in C.C.No.317 of 2015. After trial, by the judgment dated

30.08.2017, the learned Judicial Magistrate has convicted the first respondent and sentenced him to undergo rigorous imprisonment for a period of two years. He also directed the first respondent to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) as compensation with 9% interest in default to undergo rigorous imprisonment for a period of three months. He further submitted that as against the said judgment of conviction and sentence passed by the trial Court, the first respondent has filed an Appeal in C.A.No.66 of 2017 on the file of the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu and the learned Appellate Court Judge by the judgment dated 14.09.2018 has dismissed the said appeal and confirmed the judgment of conviction and sentence passed by the trial Court. Aggreived by the same, the first respondent has filed a Crl.R.C.No.1328 of 2018 on the file of this Court. This Court by the order dated 23.07.2019 has dismissed the said Criminal Revision confirming the judgment and sentence passed by the Courts below and also directed the trial Court to secure the accused and commit him to prison for undergoing the sentence. He further submitted that in pursuance of the said order, the trial Court has issued a warrant of arrest on 27.12.2019, but so far, the respondents 2 and 3 have not taken any steps for executing the said warrant and therefore, he prayed to direct the respondents 2 and 3 to execute the said warrant.

3. The learned Additional Public Prosecutor appearing for the second and third respondents has submitted that now the warrant is pending before the third respondent and a reasonable time may be fixed for executing the said warrant.

4. Considering the above said submissions, the third respondent is directed to execute the warrant of arrest and produce the first respondent/accused at early before the concerned court preferably within a period of three months from the date of receipt of a copy of this order.

5. With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

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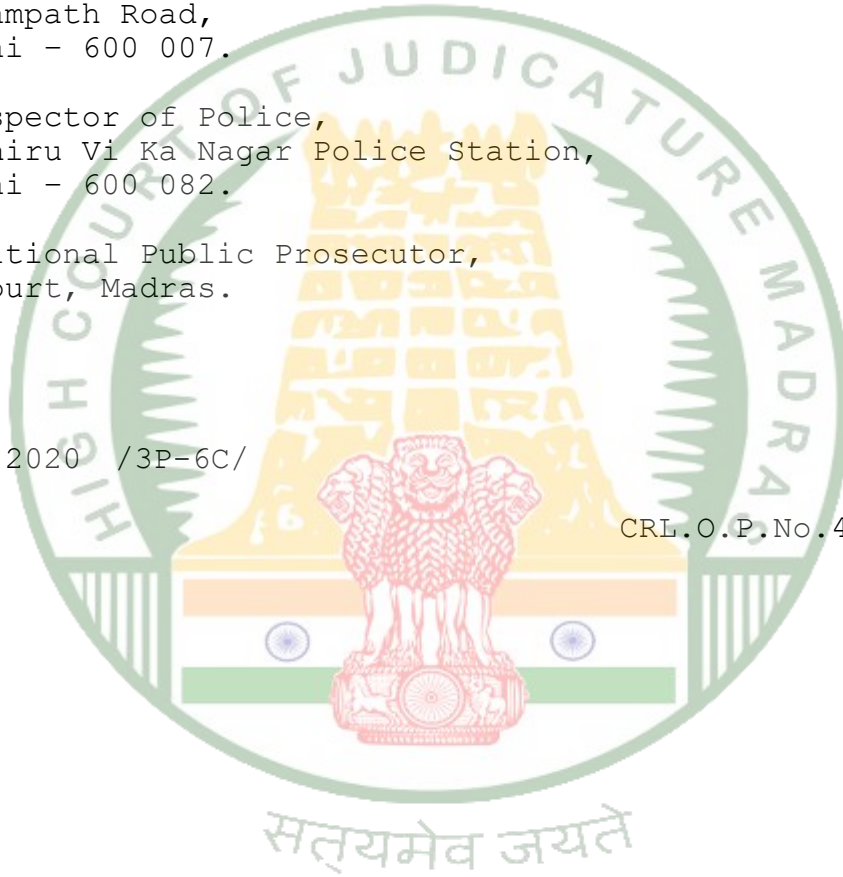
Sub Assistant Registrar

To

1. The Principal Sessions Judge
Kancheepuram,
Chengalpattu.
2. The Judicial Magistrate No.1,
Chengalpattu.
3. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Police Building,
E.V.Sampath Road,
Chennai - 600 007.
4. The Inspector of Police,
K4, Thiru Vi Ka Nagar Police Station,
Chennai - 600 082.
5. The Additional Public Prosecutor,
High Court, Madras.

AKM/28.02.2020 /3P-6C/

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