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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11348 of 2020

Mohamed Siddique Enayathulla,
Represented by
Special Power of Attorney
M.Srinivasan
S/O. S. Muthukumaran,
Residing at No.20/45 Vijithirayar Street,
Mayiladuthurai-609 001.
Nagapattinam District. ...Petitioner

Vs.

The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District - 609 001. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct respondent to execute Bailable Warrant issued against the accused John Mohamed by the learned Judicial Magistrate cum Fast Track Court, Poonamallee, Chennai on 05.03.2019 and the same was re-issued on 04.11.2019 in S.T.C.No.522 of 2018 on the file of the learned Judicial Magistrate cum Fast Track Court, Poonamallee, Chennai.

For Petitioner : Mr.G.Ravikumar

For Respondents: Mr.S.Karthikeyan,
Additional Public Prosecutor.

ORDER

This petition has been filed seeking direction, directing the the respondent to execute the Bailable Warrant as against the accused in S.T.C.No. 522 of 2018 on the file of the Judicial Magistrate cum Fast Track Court, Poonamallee, Chennai.

2. It is seen that the petitioner lodged a complaint for the offence under Section 138 of Negotiable Instruments Act as against the accused the same was taken on file in S.T.C.No. 522 of 2018 on the file of the



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Judicial Magistrate cum Fast Track Court, Poonamallee, Chennai, and it is pending for trial. On receipt of the summon from the trial Court, the accused did not appear before the trial Court and as such, the trial Court issued Bailable Warrant against the accused. It was duly served on the respondent to execute the same. Even after the receipt of the same, the respondent did not execute the Bailable Warrant issued against the accused person.

3. The learned Additional Public Prosecutor submitted that on receipt of the Bailable Warrant issued against the accused person, the petitioner was specifically instructed to appear before the Judicial Magistrate cum Fast Track Court, Poonamallee, Chennai, to recall the warrant issued against him.

4. Considering the above submission, the respondent is directed to execute the Bailable Warrant issued against the accused persons in S.T.C.No.522 of 2018 on the file of the Judicial Magistrate cum Fast Track Court, Poonamallee, Chennai, within a period of two weeks from the date of receipt of a copy of this order. The petitioner is also directed to cooperate with the respondent to execute the Bailable Warrant issued against him in S.T.C.No.522 of 2018 on the file of the Judicial Magistrate cum Fast Track Court, Poonamallee, Chennai.

With the above observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

dh
To

1.The Judicial Magistrate cum
Fast Track Court, Poonamallee,
Chennai.

2.The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattanam District - 609 001.

3.The Public Prosecutor,
High Court, Madras.



+1cc to Mr.G.Ravikumar, Advocate, S.R.No.25360

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CrI.O.P.No. 11348 of 2020

SVI (CO)
CB (20/08/2020)