

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 13116 of 2020

United Travel Services,
A Division of United Visa Services Pvt Limited,
Represented by its Director,
Mr.S.Arul Lazaran,
No.8 & 9, 1st Floor,
"Sindhur Plaza", No.42, Montieth Road,
Egmore, Chennai-600 008. Petitioner

Vs.

1.State represented by its.,
The Inspector of Police,
North Town Police Station,
Tiruppur.

2.D.Prem,
Chairman cum Managing Director,
PGC Textiles Corporation Pvt. Ltd.,
"Prem Gardens"
5-A, Rajaji Nagar, P.N.Road,
Tiruppur-641 602. Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to direct the first respondent to execute the Non-Bailable Warrant dated 27.07.2017 issued by the learned Fast Track Court-II, Metropolitan Magistrate, Egmore, Chennai, in C.C.No.2303 of 2013 within a period specified by this Court.

For Petitioner : M/s.Vijayalakshmi K.Rajaratnam

For Respondent : Mr.S.Karthikeyan
No.1 Additional Public Prosecutor.

For Respondent : Mr.J.Franklin
No.2

O R D E R

This petition has been filed for direction directing the first respondent to execute the Non-Bailable Warrant dated 27.07.2017 pending as against the second respondent herein

issued by the learned Fast Track Court-II, Metropolitan Magistrate, Egmore, Chennai, in C.C.No.2303 of 2013.

2.The learned counsel for the petitioner would submit that the petitioner lodged complaint as against the second respondent for offence under section 138 NI Act. After receipt of the summon from the trial Court, the second respondent did not appear before the trial Court and as such the entire trial stalled before the trial Court. The trial Court issued Non-Bailable Warrant as against the second respondent for his non appearance on the date of hearing i.e., 27.07.2017 and it is pending on the file of the first respondent. On receipt of the Non-Bailable Warrant, the first respondent did not execute the same.

3. Therefore, the petitioner was constrained to file direction petition before this Court in Crl.O.P.No.20459 of 2019 and this Court by an order dated 31.07.2019 directed as under:

"4.Taking into consideration, the facts and circumstances of the case, there shall be a direction to the first respondent police to execute the bailable warrant issued on 27.07.2017, by the learned Fast Track Court-II, Metropolitan Magistrate Court, Egmore, Chennai in C.C.No.2303 of 2013, within four weeks from the date of receipt of copy of this order and produce the second respondent before the Court below."

4. Even after specific direction issued by this Court, the first respondent did not execute the Warrant and as such, again the petitioner has come forward with this petition praying for same direction.

5. Mr.J.Franklin, learned counsel appearing for the second respondent would submit that due to Covid-19 pandemic circumstances, the petitioner could not able to appear before the trial Court earlier and he is ready and willing to appear before the trial Court and file a petition to recall Non-Bailable Warrant.

6. The learned Additional Public Prosecutor also submitted that the Non-Bailable Warrant, issued by the trial Court in CC.No.2303 of 2013 is pending on the file of the first respondent for execution. Due to Covid-19 pandemic circumstances, the first respondent could not able to execute the Non-Bailable Warrant, issued as against the second respondent in CC.No.2303 of 2013.

7. Considering the above submissions, the second respondent is directed to appear before the learned Fast Track Court-II, Metropolitan Magistrate, Egmore, Chennai, in CC

No.2303 of 2013 on 01.10.2020 without fail. If the second respondent fails to appear before the trial Court, the first respondent is directed to execute the Non-Bailable Warrant pending as against the second respondent within a period of two weeks from 01.10.2020 and secure the second respondent and proceed in accordance with law.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mpa

To

1.The Inspector of Police,
North Town Police Station,
Tiruppur.

2.The Public Prosecutor,
High Court, Madras.

3.The Metropolitan Magistrate,
Fast Track Court No.II,
Egmore, Chennai-II.

+1cc to M/s.Vijayalakshmi K.Rajarathinam, SR.27986

Crl.O.P.No. 13116 of 2020

SSV(CO)
CB(29/10/2020)

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