

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 29028 of 2019

Rajalakshmi Buddha,
W/o. Dr.S.K, Buddha,
No.9/2, Arya Gowda Road,
West Mambalam, Chennai-600 033.

... Petitioner

Vs.

1.The Director General of Police,
Chennai

2.The Greater Chennai City Police Commissioner,
Chennai-600 008

3.C.Venkatesh Babu,
S/o.Chairman Durai,
38, Kumbalamman Koil Street,
Tondiarpet, Chennai-600 081.

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying to direct the 1st and 2nd respondents to secure the 3rd respondent accused as per judgment made in C.C.No.6635 of 1997 dated 8.4.2009 and subsequent order made in Crl.M.P.No.1743 of 2014 dated 17.03.2016 by the learned IXth Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : No appearance

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed for seeking to direct the 1st and 2nd respondents to secure the 3rd respondent accused as per judgment made in C.C.No.6635 of 1997 dated 8.4.2009 and subsequent order made in Crl.M.P.No.1743 of 2014 dated 17.03.2016 by the learned IXth Metropolitan Magistrate, Saidapet, Chennai.

2. It is seen that the petitioner has lodged a complaint as against the 3rd respondent for the offence punishable under Sections 138 of NI Act in C.C.No.6635 of

1997 before the learned IX Metropolitan Magistrate, Saidapet, Chennai. The Magistrate by an order dated 08.04.2009 sentenced the third respondent to undergo two years imprisonment and also awarded a compensation of Rs.2,44,043/- payable to the petitioner. As against the said order, the 3rd respondent did not file any appeal, as such the petitioner filed in CrI.M.P.No.1743 of 2014 under Section 82 of Cr.P.C, wherein the learned Magistrate by an order dated 17.03.2016 declared the 3rd respondent as proclaimed offender, under Section 81 of Cr.P.C.

3.Considering the facts and circumstances of the case, the jurisdictional police viz., Tondiyarpur police station is directed to execute the NBW issued as against the 3rd respondent in C.C.No.6635 of 2017 dated 08.04.2009 by the IXth Metropolitan Magistrate, Saidapet, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish his correct address to the jurisdictional police, i.e., Tondiyarpur police station and also co-operate with the Inspector of Police, Thondiyarpur Police Station to secure the 3rd respondent.

4.With the above direction, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CO MDU)

//True copy//

Sub Assistant Registrar

vsn

To

- 1.The IXth Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Director General of Police,
Chennai
- 3.The Greater Chennai City Police Commissioner,
Chennai-600 008
- 4.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.29028 of 2019