

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.27684 of 2019

M/s.Top Stone Engineers,
Represented by its Accounts Officer,
A.Boomiraja, office at
D.No.10A, Mariamman Kovil Street,
Peelamedu Pudur,
Coimbatore 641 004. ... Petitioner/Complainant

Vs

1.The Commissioner of Police,
Coimbatore.

2.State Rep. by,
The Inspector of Police,
Vadasery Police Station,
Krishnan Koli,
Nagarkoil.

3.Mrs.Mary Merera John ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to direct the 2nd respondent to execute the Non Bailable Warrant issued against the 3rd respondent dated 26.07.2018 in C.C.No.710 of 2018 on the file of the Fast Track Court (Judicial Magistrate No.II), Coimbatore.

For Petitioner : Mr.V.Elangovan.

For Respondents : Mr.S.Karthikeyan,
Additional Public Prosecutor for R1 & R2.

R3 - Not ready in notice.

O R D E R
(through Video Conference)

This Criminal Original Petition has been filed seeking the relief to direct the 2nd respondent to execute the Non Bailable Warrant issued against the 3rd respondent dated 26.07.2018 in C.C.No.710 of 2018 on the file of the Fast Track Court (Judicial

Magistrate No.II), Coimbatore.

2.Heard Mr.V.Elangovan, learned Counsel appearing for the Petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing on behalf of the respondents 1 & 2.

3.The Petitioner herein is the complainant in C.C.No.710 of 2018 on the file of Fast Track Court (Judicial Magistrate No.II, specially constituted for the disposal of cases which filed under Section 138 of Negotiable Instruments Act), Coimbatore. He had filed a complaint against third respondent alleging that the third respondent issued a cheque dated 18.08.2015 and 16.09.2015 for the amount of Rs.3,00,825/- respectively and on production of the same, the same were returned for the reason, funds insufficient. He had further stated that the said Act committed by the third respondent is an offence under Section 138 of Negotiable Instruments Act. In the said circumstances, he had approached the Fast Track Court (Judicial Magistrate No.II), Coimbatore for punishing the third respondent under Section 138 of Negotiable Instruments Act.

4.Now admittedly as of now, after taking cognizance, the Fast Track Court (Judicial Magistrate No.II), Coimbatore issued Non-bailable Warrant on 26.07.2018 directing the second respondent to secure the third respondent and produce before the said Court. But the said direction is not complied for the past two years. Therefore, the circumstances reveals the fact that after filing the case, the same is pending for the past two years without disposal only for the purpose of executing Non-Bailable Warrant.

5.No doubt, the inaction of the second respondent, caused much prejudice to the petitioner. Therefore, it would be appropriate and necessary to direct the second respondent to execute Non-Bailable Warrant. Accordingly, the second respondent is directed to execute the Non-Bailable Warrant dated 26.07.2018 issued against the third respondent by the Fast Track Court (Judicial Magistrate No.II), Coimbatore in C.C.No.710 of 2018, as per law contemplated, within a period of one month from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Coimbatore.

2. The Inspector of Police,
Vadasery Police Station,
Krishnana Koli,
Nagarkoil.

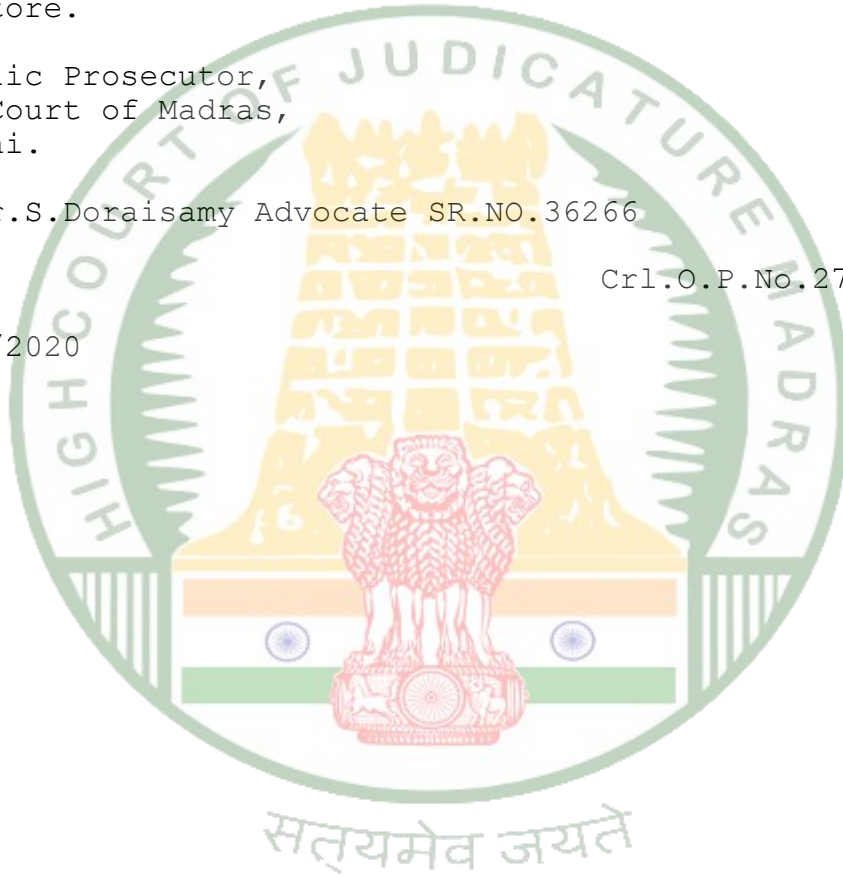
3.The Fast Track Court,
Judicial Magistrate No.II,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.S.Doraisamy Advocate SR.NO.36266

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SR CO
SDR 14/12/2020



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