

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.11.2020
CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.No.30386 of 2019

Sathish,
S/o.Pavadirajan,
No.15, Om Sakthi Koil Street,
Mudaliarpet,
Puducherry.

... Petitioner

Vs.

1. The Station House Officer,
Katpadi Police Station,
Vellore District.

2. S.Ravichandran,
No.26, Lakshmi Sothu Villa,
V.G.Rao Nagar,
C-Sector (Near Ankanvadi School)
Katpadi,
Vellore - 632 007.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the first respondent police to execute the warrant which was issued by the learned Judicial Magistrate III, Puducherry in S.T.C.No.205 of 2018.

For Petitioner : Mr.G.Mohana Krishnan

For Respondents

For R1 : Mr.S.Karthikeyan

Additional Public Prosecutor

For R2 : No appearance.

ORDER

This Criminal Original Petition has been filed seeking direction to direct the first respondent police to execute the warrant which was issued by the learned Judicial Magistrate III, Puducherry in S.T.C.No.205 of 2018.

2. Heard Mr.G.Mohana Krishnan, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the first respondent.

3. The petitioner being a complainant filed a case against the second respondent under Section 138 of Negotiable Instruments Act and the same has been taken on file in S.T.C.No.205 of 2018 before the learned Judicial Magistrate No.III, Puducherry. In the course of trial proceedings, since the second respondent did not appear before the trial Court, the learned Judicial Magistrate No.III, Puducherry issued bailable warrant and directed the Police to execute the same. Though the learned Judicial Magistrate No.III, Puducherry suitably directed the first respondent Police, the same has not been done by the first respondent Police.

4. Admittedly, the warrant is pending with the first respondent Police from 17.05.2019. Therefore considering the facts and circumstances, it would appropriate to give the following directions :-

i) The learned Judicial Magistrate No.III, Puducherry is directed to send a notice to the first respondent to execute the bailable warrant within a period of two weeks from the date of receipt of copy of this Order.

ii) If the warrant is not executed within a period of two weeks, the learned Judicial Magistrate No.III, Puducherry is directed to issue Non-bailable warrant as against the second respondent and if such Non-bailable warrant is issued, the first respondent is directed to execute the same within a period of 30 days from the date of issuance of the said warrant.

5. With the above directions, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (CS IV)

/true copy/

Sub Asst. Registrar

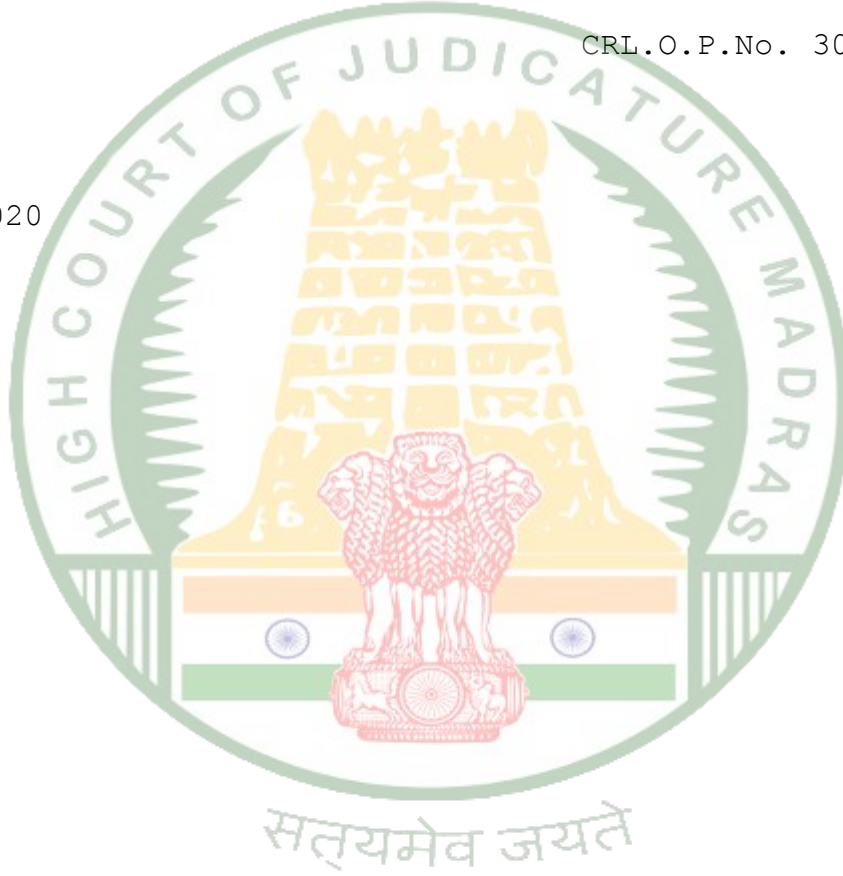
rts

To

1. The Judicial Magistrate No.III,
Puducherry.
2. The Station House Officer,
Katpadi Police Station,
Vellore District.
3. The Public Prosecutor
Madras High Court,
Chennai.

CRL.O.P.No. 30386 of 2019

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