



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/12/2020

PRESENT

The Hon'ble Mr. Justice **G.K. ILANTHIRAIYAN**

W.P.(MD)No.16250 of 2017

WEB COPY

Siva Chit Fund,
Rep.by its Managing Partner,
C.Sivakumar,
Monday Market,
Neyyoor Post,
Thalakulam Village,
Kalkulam Taluk,
Kanniyakumari District.

: Petitioner

Vs.

1.The Superintendent of Police,
Kanniyakumari District.

2.The Inspector of Police,
Eraniel Police Station,
Eraniel.

3.R.Rajesh

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first and second respondent to produce the third respondents before the Sub Court, Padmanabhapuram in E.P.66 of 2014 in ARC 96 of 2013.

For Petitioner :Mr.A.Balakrishnan

for M/S.K.P.Narayanakumar

For Respondents :Mr.K.Suyambulinga Bharathi

1 and 2 Government Advocate (Crl. Side)

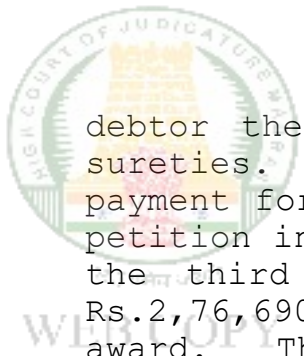
For 3rd Respondent:Mr.A.Rajkumarsen

O R D E R

This Writ Petition has been filed seeking direction to the first and second respondent to produce the third respondent before the Subordinate Court, Padmanabhapuram in E.P.66 of 2014 in ARC 96 of 2013.

2.The learned counsel appearing for the petitioner, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3.It is seen that the petitioner has run a chit business in the name and style of Siva Chit Fund, in which, one Arjunan was a member and he has paid chit amount for Rs.3,50,000/- on 09.02.2011 on its 4th instalment. While disbursing the amount to principal



debtor the third respondent as well as one Rajakumari stood as sureties. While being so, the principal debtor failed to make payment for Rs.2,40,000/-. Thereafter, the petitioner has filed a petition in ARC No.96 of 2013 and the same was allowed and directing the third respondent including other accused to pay a sum of Rs.2,76,690/- to the petitioner with 12% interest from the date of award. Thereafter, when the third respondent and other accused failed to make the award amount with interest, the petitioner has filed execution petition and the same was numbered as E.P.No.66 of 2014 on the file of the Subordinate Court, Padmanabhapuram. In the execution proceedings, the said execution petition was allowed by directing the third respondent to execute the award amount and to effect civil arrest of the third respondent herein. There is a specific directions issued by the Court below, the second respondent did not take any steps to effect civil arrest of the third respondent for the reason that third respondent is a police personnel. It is also seen from the records warrant of arrest has been issued to arrest the Judgment debtor/second respondent in A.R.C.No.96 of 2013 and it is pending on the file of the second respondent herein.

4.In view of the above facts and circumstances of the case, the second respondent herein is directed to execute the warrant of arrest against the third respondent issued in E.P.No.66 of 2014 in ARC.No.96 of 2013 on the file of the Subordinate Court, Padmanabhapuram within a period of four weeks from the date of receipt of a copy of this order.

5.With the above directions, this writ petition stands disposed of . No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Subordinate Judge,
Padmanabhapuram.

2.The Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Rajakumari District.



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3.The Inspector of Police,
Eraniel Police Station,
Eraniel.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.A.Balakrishnan,Advocate,SR.No.23765 dated 03/12/2020

W.P. (MD) No.16250 of 2017
01.12.2020

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