

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.4007 of 2021

Sri Sabari Builders & Real Estate,
Represented by, its Proprietor
D.Krishnamurthy,
S/o.Damodara Mudaliar,
No.43, 4th Cross Street,
Kailasanathan Kovil Street,
Thiruninravur - 602 024. Petitioner

Versus

- 1.State by,
The Inspector of Police,
T11, Thirunindravur Police Station,
Thiruninravur-602 024.
- 2.Sivaraj,
S/o.Leelavinodhan,
Proprietor: Yuvaraja TV Centre,
No.2/749, 1st Main Road,
Bavani Nagar,
Thiruninravur-602 024. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to execute the Bailable warrant issued by the Fast Track Court at Tiruvallur against the second respondent in STC No.63/2018.

For Petitioner : Mr.D.Ananthapadmanbhan

For 1st Respondent : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to execute the Bailable Warrant issued by the learned Fast Track Court at Magistrate Level at Tiruvallur against the 2nd respondent in S.T.C.No.63 of 2018.

2.The learned counsel for the petitioner submitted that the petitioner is the complainant and the 2nd respondent is the accused in S.T.C.No.63 of 2018. The cheque amount involved in this case is to the tune of Rs.5,00,000/-. Due to non-appearance of the petitioner during trial, a Bailable Warrant was issued against him on 12.10.2018 in D.No.818 of 2018 and

the same has to be executed on or before 08.11.2018 and thereafter, it was periodically extended up to 08.02.2019. The learned Fast Track Court at Magistrate Level at Tiruvallur had sent a reminder for execution of the bailable warrant to the 1st respondent on 11.02.2019 and 05.12.2020. Thereafter, the petitioner had sent a representation to the Commissioner of Police, Vepery, Chennai on 04.01.2021, despite the same no action was taken.

3.The learned counsel for the petitioner further submitted that the 2nd respondent is very much available in his address and he has been visiting his house at odd hours and thereby, disguising himself and projecting as though he is not residing in his house. The active mobile number of the 2nd respondent is 97103 06808. By adopting evasive tactics, the 2nd respondent is dragging the trial and due to which, the case has been pending from the year 2018. Hence, he prayed for necessary direction for securing the 2nd respondent.

4.The learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent submitted that on receipt of the bailable warrant from the learned Fast Track Court at Magistrate Level at Tiruvallur, the 1st respondent Police had taken effective steps in securing the 2nd respondent. The Head Constable Mr.Gurunathan attached to the 1st respondent Police visited the residence of the 2nd respondent at No.2/749, 1st Main Road, Bhavani Nagar, Thirunindravur and found the door locked. On enquiry with the neighbours viz., Prabhu and Venkatasamy, the 2nd respondent, who is the Proprietor of M/s.Yuvaraja TV Centre has not residing in the said address for the past three years. Thereafter, the said Head Constable made enquiry with the Village Administrative Officer, Nathamedu, who also certified the same. The learned Government Advocate further submitted that as and when the 2nd respondent is found, the Bailable Warrant would be executed.

5.It is seen that the specific submission of the learned counsel for the petitioner is that the mobile number (97103 06808) of the 2nd respondent is active and he is visiting his house at odd hours.

6.In view of above, the 1st respondent Police is directed to keep vigilance over the residence of the 2nd respondent and take steps to secure him. The Superintendent of Police, Tiruvallur is directed to depute persons to track the mobile number (97103 06808) of the 2nd respondent and find out the movement and take all earnest steps to secure him. The petitioner is directed to produce any other particulars if any available to the 1st respondent.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Fast Track Court at Magistrate Level,
Tiruvallur.

2.The Superintendent of Police,
Tiruvallur.

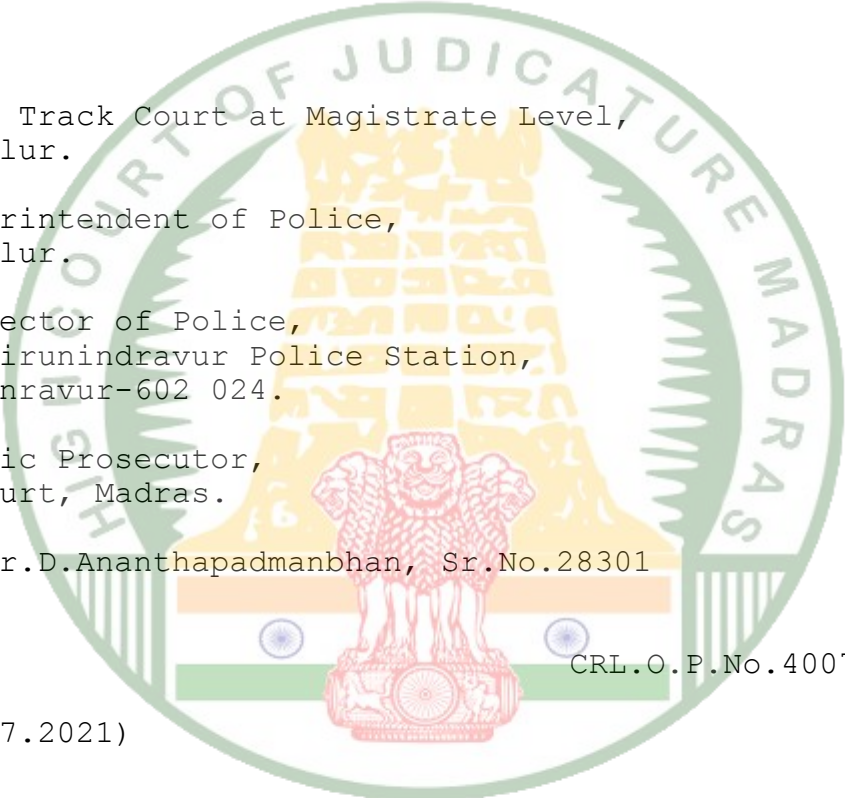
3.The Inspector of Police,
T11, Thirunindravur Police Station,
Thirunindravur-602 024.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.D.Ananthapadmanbhan, Sr.No.28301

PCH (CO)
R.K. (13.07.2021)

CRL.O.P.No.4007 of 2021



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