

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.4193 OF 2021

M/s. Success Steel Structures,
Rep. By is partner, Mr.A.L.Elango,
Registered office at
No.19, North Park Street,
Subham Complex, Ambattur OT,
Chennai-53.

.. Petitioner

Vs.

1. The Inspector of Police,
M-4, Thudiyalur Police Station,
Coimbatore District.

2. T.Ganesan

.. Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to execute the bailable warrant issued in S.T.C.No.375 of 2016 on the file of the learned Judicial Magistrate Fast Track Court, (Magisterial Level) issued on 02.02.2017 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.M.Mohamed Riyaz, R1
Additional Public Prosecutor

O R D E R

This petition has been filed for a direction to the respondent police to execute the bailable warrant issued against the second respondent in S.T.C.No.375 of 2014 by the learned Judicial Magistrate, FTC, Magisterial level, Ambattur.

2. The petitioner has filed a complaint under Section 138 of Negotiable Instruments Act against the second respondent. It is seen from records that the bailable warrant has been issued against the second respondent as early as in the year 2017. The

grievance of the petitioner is that till date, the warrant has not been executed and there has been absolutely no progress in this case.

3. Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of first respondent.

4. It is seen from records that the first respondent has acknowledged the receipt of the bailable warrant on 31.05.2018. Thereafter, the case has been adjourned only on the ground that the warrant is yet to be executed. The learned counsel for the petitioner submitted that the second respondent is very much available at Saravanampatty Village, Coimbatore District. The learned Additional Public Prosecutor submitted that the Court below can be directed to issue a fresh bailable warrant to the concerned jurisdictional police station in order to enable the execution of the bailable warrant.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur to issue a fresh bailable warrant against the second respondent to be executed by the Inspector of Police, Saravanampatty Police Station, Coimbatore District. The concerned Police, on receipt of the bailable warrant, shall execute the same within a period of four weeks thereafter.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Judicial Magistrate, FTC,
Magisterial level, Ambattur.
2. The Inspector of Police,
M-4, Thudiyalur Police Station,
Coimbatore District.

3. The Inspector of Police,
Saravanampatty Police Station,
Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.13236

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PMK (CO)
CS/01/04/2021



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