

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR
CRL.O.P.No.6335 of 2021

K.Vijayalakshmi

... Petitioner

Versus

K.R.V.Ramani

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the trial Court to dispose of the case in C.C.No.3010 of 2018 pending on the file of the F.T.C-II, Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai on merits within a time framed.

For Petitioner : Mr.N.Elayaraja

ORDER

This Criminal Original Petition has been filed to direct the learned Fast Track Court-II, Metropolitan Magistrate, Egmore @ Allikulam, Chennai to dispose of the case in C.C.No.3010 of 2018 on merits within a time frame.

2.The learned counsel for the petitioner submitted that the petitioner being a lady, has lodged a complaint under Section 138 of the Negotiable Instruments Act against the respondent, who was running a hotel in the name of Quality Inn Sabari, T.Nagar, Chennai. Since the respondent evading the trial, the trial Court issued bailable warrant against him. On several occasions, the petitioner has taken the warrant against the respondent and sent it to the concerned jurisdictional Police, but the Police neither executed the warrant, nor secured the respondent.

3.On perusal of the records, it is seen that initially on behalf of the respondent, an Advocate was appearing before the trial Court, later there was no representation. Hence, the trial Court issued the bailable warrant against the respondent in C.C.No.3010 of 2018. Since the Police has not taken any steps to execute the bailable warrant, the petitioner is unable to proceed with the case further and the same has been pending for three years without any progress. It is also seen that the date on which the bailable warrant was issued against the respondent is expired. Hence, the petitioner is directed to obtain a fresh bailable warrant from the trial Court or

reevaluate the bailable warrant and produce the same before the concerned Jurisdictional Police viz., the Inspector of Police, E-3 Teynampet Police Station, Chennai. After receiving the bailable warrant, the Inspector of Police, E-3 Teynampet Police Station, Chennai is to execute the bailable warrant and produce the respondent/accused before the trial Court without further delay. Thereafter, the trial Court to complete the trial as expeditiously as possible without any further delay.

4. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Fast Track Court-II,
Metropolitan Magistrate,
Egmore @ Allikulam, Chennai.
2. The Inspector of Police,
E-3 Teynampet Police Station,
Chennai.
3. The Public Prosecutor,
Highcourt, Madras.

+cc to Mr.N.Elayaraja, Advocate Sr.No.23149

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PMK(CO)

baf 04/05/2021

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