

Crl.O.P.No.7708 of 2021

M.NIRMAL KUMAR, J.

This petition is listed under the caption “For Being Mentioned” at the instance of the petitioner.

2.It is submitted by the learned counsel for the petitioner that though it is the petitioner, who has filed the petition for execution of the bailable warrant issued against the accused, however, inadvertently, while typing the order, it is wrongly shown as if the petitioner has not appeared and that the bailable warrant has been issued against him. Therefore, he prays that the order may appropriately be corrected and fresh order copy may be issued.

3.This Court perused the order and finds that para Nos.2, 3, 4 and 5 of the order are erroneously typed. Accordingly, the said paragraphs are recalled and shall stand substituted with the following :-

2. C.C. No.450 of 2019 on the file of the learned Fast Track Court No.1, Magisterial Level, Coimbatore, was taken up for the offences punishable u/s 138 of the Negotiable Instruments Act, against the accused, viz., Balaji Baskar.

3. The said accused, viz., Balaji Baskar, was absent continuously during trial of C.C. No.450 of 2019 necessitating issuance of bailable warrant against the accused, on 04.12.2020, for his appearance before the Court. Despite the bailable warrant issued, the respondent/police failed to do so and had not taken any effective steps to execute the bailable warrant, since the accused / Balaji Baskar is an influential person and a man of means. Due to non-execution of bailable warrant, the trial in CC.No.450 of 2019 stalled and no progress could be made for the past two years, though the accused / Balaji Baskar is very much available.

4. Learned Government Advocate (Crl.side) appearing for the respondents stated that the bailable warrant will be executed within the time frame stipulated by this Court.

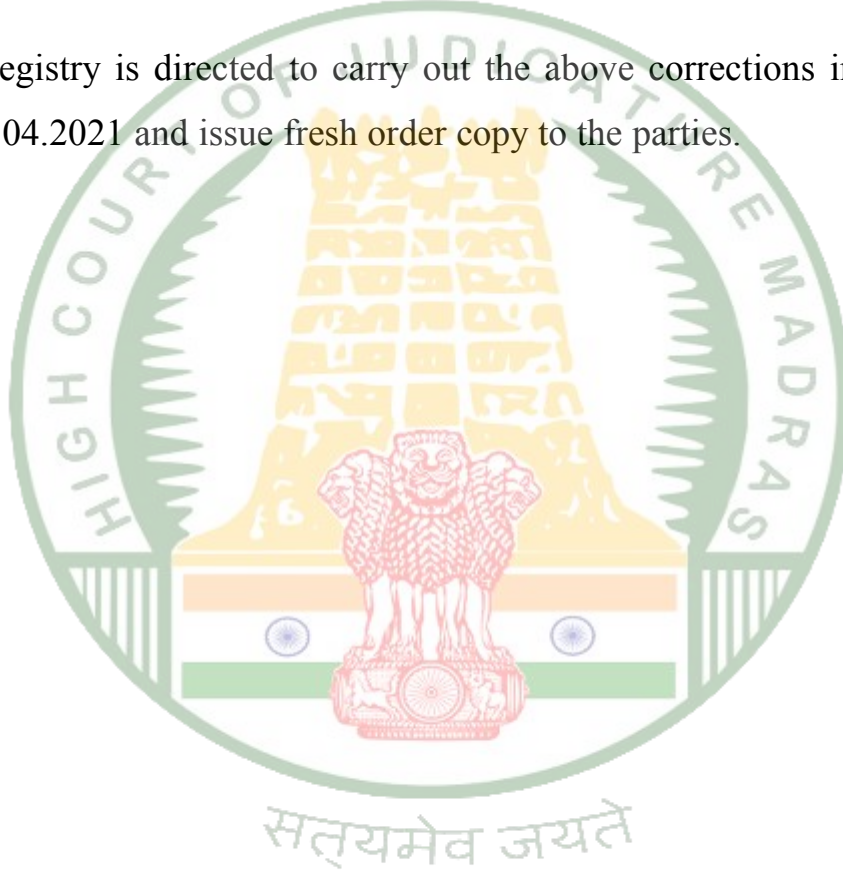
5. In view of the above undertaking given by the learned Government Advocate (Crl.side), the 2nd respondent is directed to execute the bailable warrant within a period of two weeks from the date of receipt of a copy of this order for securing the accused,

viz.,Balaji Baskar ensuing his presence and appearance, before the trial court on the next date of hearing.

24.06.2021

klr

Note: Registry is directed to carry out the above corrections in the order dated 23.04.2021 and issue fresh order copy to the parties.



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24.06.2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7708 of 2021

R.Muthu

... Petitioner

Versus

1.The Superintendent of Police
Office of the Superintendent of Police
Ranipet District.

2.The Inspector of Police
Arakkonam Town Police Station
Ranipet District.
... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to execute the bailable warrant issued by the learned Fast Track Magistrate No.I, Coimbatore in C.C.No.450 of 2019.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents to execute the bailable warrant issued by the learned Fast Track Magistrate No.I, Coimbatore in C.C.No.450 of 2019.

2. The petitioner/complainant in C.C.No.450 of 2019, on the file of the learned Fast Track Court No.I, Magistrate Level at Coimbatore, for the offences punishable under Section 138 of the Negotiable Instruments Act.

3. The petitioner was absent during the trial in C.C.No.450 of 2019, on the file of the learned Fast Track Court No.I, Magistrate Level at Coimbatore. Therefore bailable warrant came to be issued on 04.12.2020.

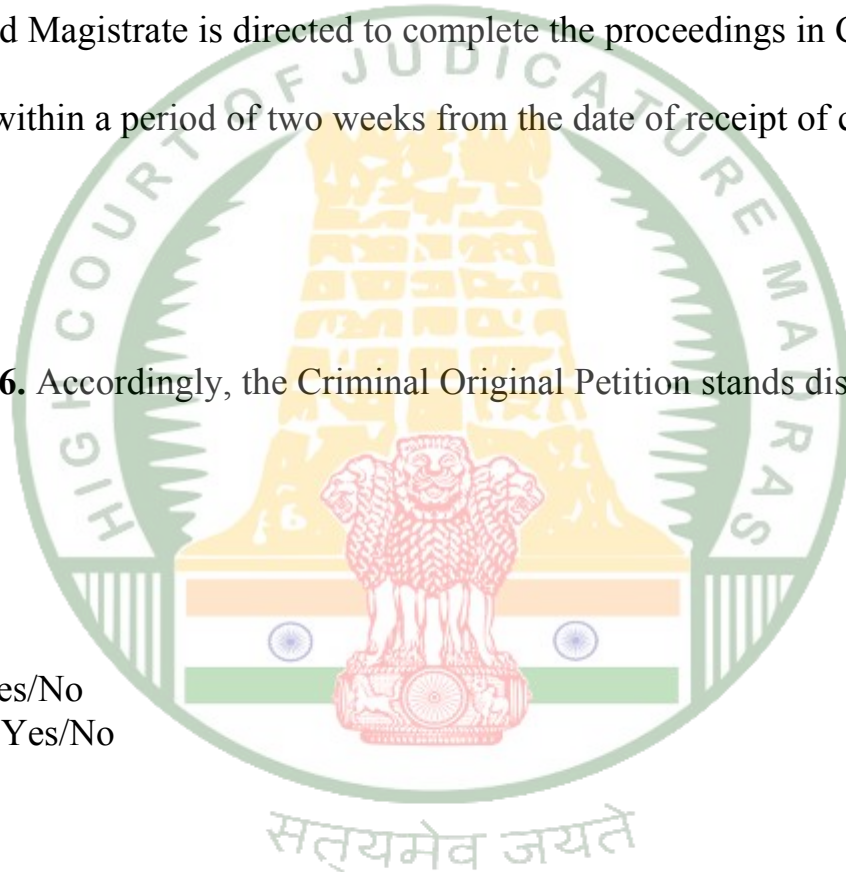
4. The learned counsel appearing for the petitioner undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

5. Considering the undertaking given by the petitioner, the petitioner is directed to appear before the learned Fast Track Court No.I, Magistrate Level at Coimbatore, within a period of two weeks from today and to file a petition to recall the Bailable Warrant issued against him. The concerned Magistrate is directed to complete the proceedings in C.C.No.450 of 2019 within a period of two weeks from the date of receipt of copy of this order.

6. Accordingly, the Criminal Original Petition stands disposed of.

23.04.2021

Index: Yes/No
Internet: Yes/No
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M.NIRMAL KUMAR, J.

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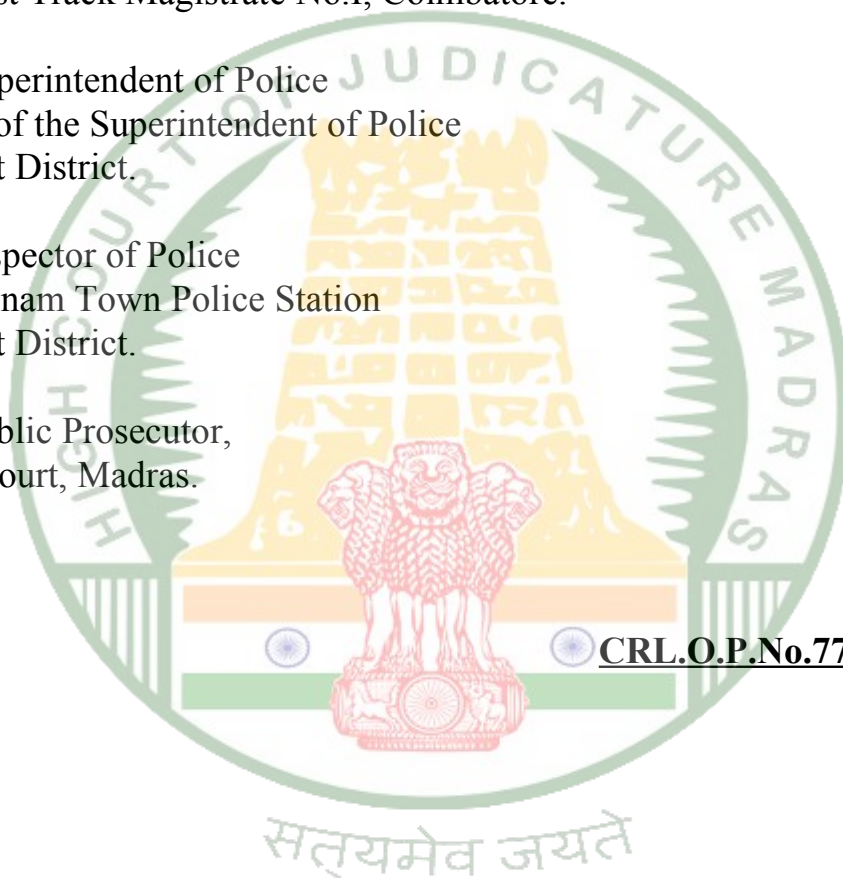
To

1.The Fast Track Magistrate No.I, Coimbatore.

2.The Superintendent of Police
Office of the Superintendent of Police
Ranipet District.

3.The Inspector of Police
Arakkonam Town Police Station
Ranipet District.

4.The Public Prosecutor,
High Court, Madras.



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23.04.2021