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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14203 of 2021

M.Govindharajalu

...Petitioner

Vs.

1.The State Inspector of Police,
V-4 Rajamangalam Police Station,
Kolathur, Chennai.

2.K.Damodharan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents' police to execute the non-bailable warrant against accused based on judgment made in C.C.No.650 of 2016 dated 22.03.2017 on the file of the Hon'ble Fast Track Court, Magistrate level 1, Egmore at Allikulam, Chennai.

For Petitioner :	Mr.S.Ramachandran
For Respondent :	Mr.A.Damodaran
No.1	Government Advocate (Crl. Side)

ORDER

The petitioner as complainant has filed a petition in C.C.No.650 of 2016 under Section 138 of Negotiable Instrument Act against the second respondent before the Metropolitan Magistrate Court, FTC No.1, Egmore, Chennai. The trial Court, by its judgment dated 22.03.2017, has found that the second respondent is guilty and sentenced him to six months and directed him to pay a sum of Rs.3,00,000/- cheque amount to the complainant.

2.Aggrrieved against the same, the second respondent has filed an appeal in C.A.No.96 of 2017 before the V Additional Sessions Judge, Chennai and the same was dismissed on 26.12.2018 confirming the judgment of the trial Court dated 22.03.2017. Thereafter, the petitioner has obtained the warrant on 13.03.2019 and sent it to the first respondent along with the copy of the appeal judgment in C.A.No.96 of 2017 through the Register Post and the same was received by the first respondent on 15.03.2019. Thereafter, no action has been taken.



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3.The contention of the learned counsel for the petitioner is that the accused is very much available in the said address with his family and the respondent police has not taken any action.

4.The learned Government Advocate (Crl.side) submits that the respondent police had visited the address mentioned in the warrant, where, the second respondent was not available and only his aged parents were there and they were informed about the pendency of the warrant. The respondent police will execute the warrant as and when the accused is secured. Further, he submitted that if the petitioner provides the details of the second respondent and his whereabouts, the first respondent will take effective steps in securing the accused.

5.The learned counsel for the petitioner further submits that the petitioner undertakes to appear before the first respondent and furnish the details of the second respondent and also whereabouts of the accused. Thereafter, the first respondent shall take steps to secure the accused.

6. In view of the same, the criminal original petition is disposed of.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sms

To

1.The State Inspector of Police,
V-4 Rajamangalam Police Station,
Kolathur, Chennai.

2.The Fast Track Court, Magistrate level 1,
Egmore at Allikulam, Chennai.

3.The V Additional Sessions Judge
Chennai

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Ramachandran, Advocate sr 40607.

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PCH(CO)
SP(17/09/2021)