



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2021

CORAM

THE HON'BLE MR JUSTICE G.ILANGOVAN

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Cont P(MD)No.1086 of 2021
in
Crl.OP(MD)No.15599 of 2019

Kirba Sathyaseelan

: Petitioner/Petitioner

-vs-

Sundara Mahalingam
The Inspector of Police,
North Police Station,
Karaikudi.

: Contemnor/Respondent

Prayer: Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for his willful disobedience in not complying the order passed by this Court, made in Crl.OP.(MD)No.15599 of 2019, dated 30.10.2019.

Prayer in Crl OP(MD).No.15599 of 2019:-

Criminal Origina Petition filed Under Section 482 Cr.P.C. To direct the respondents 1 and 2 to execute the warrant in C.C.No.115 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, at Magistrate Level Karaikudi, Sivagangai District.

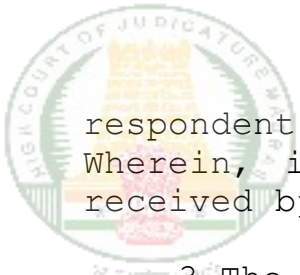
For Petitioner : Mr.Janandkumar

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to punish the contemnor/respondent for his willful disobedience in not complying the order passed by this Court, made in Crl.OP.(MD)No.15599 of 2019, dated 30.10.2019.

2.When the matter was taken up for hearing on 24.08.2021, the contemnor was present before this Court and informed the Court that till today, Non Bailable Warrant was not received from the concerned Court by the respondent. So, on that ground, report was called for from the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karaikudi, Sivagangai District, as to whether Non Bailable Warrant was issued and despatched to the second



respondent in this matter or not. A report has been received. Wherein, it has been stated that Non Bailable Warrant has been received by the counsel for the defacto complainant herein.

3. The learned counsel for the petitioner would submit that handing over of Non Bailable Warrant to the counsel for the defacto complainant is highly illegal in nature. The petitioner ought to have requested the Court, issue Non Bailable Warrant to the concerned jurisdiction police.

4. This Court is of the considered view that handing over of Non Bailable Warrant to the learned counsel for the complainant may not be proper. It ought to have handed over to the concerned jurisdiction police for executing Non Bailable Warrant. The respondent has submitted that he has not received the Non Bailable Warrant from the concerned Court. So, the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karaikudi, Sivagangai District, is directed to issue a duplicate Warrant in the place of the original warrant to the respondent, within a period of 15 days from the date of receipt of a copy of this order.

5. In the mean time, the Court may also issue a notice to the counsel for the complainant to return the original Warrant that has been handed over to him. The Warrant may be executed by the respondent before the receipt of the duplicate warrant.

6. With the above direction, this Contempt Petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judicial Magistrate,
Fast Track Court at Magistrate Level,
Karaikudi,
Sivagangai District.



2. Sundara Mahalingam
The Inspector of Police,
North Police Station,
Karaikudi.

WEB COPY

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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23.09.2021

RK(30/11/2021) 3P 4C