



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NOS.3501 & 3505 OF 2022

S.Murugan

...Petitioner in both Crl.O.Ps.

-Vs-

1. The Superintendant of Police,
Office of Superintendant of Police,
Tiruvannamalai.

2. The State Rep by
Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.

...1st and 2nd Respondents in both Crl.O.Ps.

3. Srinivasan

...3rd Respondent in Crl.O.P.No.3501 of 2022

4. Manjula

...3rd Respondent in Crl.O.P.No.3505 of 2022

Prayer in Crl.O.P.No.3501 of 2022: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleased to direct the 2nd respondent to execute the NBW issued by the Judicial Magistrate, Fast Track Court, Tiruvannamalai in C.C.No.47 of 2020 dated 25.11.2021.

Prayer in Crl.O.P.No.3505 of 2022: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleased to direct the 2nd respondent to execute the NBW issued by the Judicial Magistrate, Fast Track Court, Tiruvannamalai in C.C.No.39 of 2020 dated 28.09.2021.

For Petitioner	:	Mr.M.Mariappan
(in both Crl.O.Ps)		
For Respondents	:	Mr.A.Gokulakrishnan
(in both Crl.O.Ps)		Additional Public Prosecutor
		for R1 and R2
No Appearance	:	R3 & R4



COMMON ORDER

These Criminal Original Petition have been filed to direct the 2nd respondent to execute the NBW issued by the Judicial Magistrate, Fast Track Court, Tiruvannamalai in C.C.No.47 of 2020 and C.C.No.39 of 2020 dated 25.11.2021 and 28.09.2021.

2.The learned counsel for the petitioner would submit that the petitioner is the complainant in C.C.No.47 of 2020 and C.C.No.39 of 2020 filed against the 3rd respondent/accused in both the cases for an offence under Section 138 r/w 142 of Negotiable Instrument Act. Since, the 3rd respondent in both the cases did not appeared before the Court, the Trial Court had issued NBW of arrest on 25.11.2021 and 28.09.2021. The Trial Court had directed the 2nd respondent to execute the warrant, since, the 3rd respondent resides within the jurisdiction of the 2nd respondent police. Whereas, the 2nd respondent has not taken any steps to execute the warrant, thereby, the present petitions have been filed seeking for a direction.

3. A statutory duty is cast on the Station House Officer to comply with the orders of the Trial Court and to execute the warrant. Despite the issuance of warrant on 25.11.2021 and 28.09.2021, the 2nd respondent has not taken any steps to execute the warrant.

4. At this juncture, the learned Additional Public Prosecutor would submit that NBW will be executed within a period of three weeks.

5. Recording the submissions so made by the learned Additional Public Prosecutor, both the Criminal Original Petitions are closed. The 2nd respondent is directed to execute the warrant within a period of three weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Superintendant of Police,
Office of Superintendant of Police,
Tiruvannamalai.



2. The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.

3. The Public Prosecutor,
High Court, Madras.

Copy To

The Judicial Magistrate (FTC),
Tiruvannamalai.

+2ccs to Mr.M.Mariappan, Advocate, S.R.No.10680 & 10681

Cr1.O.P.Nos.3501 & 3505 of 2022

MG (CO)
RLP (22/02/2022)