

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.20744 OF 2020

1. R.Chandra
2. K.Raman

... Petitioners

Vs.

1. THE STATE
Represented by the Inspector of Police,
E1, Trichy Main Road,
Singanalur, Coimbatore - 641005.
2. S.B.Parthiban

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction to the first respondent to arrest the accused/second respondent in furtherance of executing the order of the III Additional District and Sessions Judge, Coimbatore in Criminal Appeal No.77 of 2017 dated 24th June, 2020 confirming the order of the Judicial Magistrate, Fast Track Court at Magistrate Level II, Coimbatore in CC.No.126 of 2017 dated 9th March, 2017.

For Petitioners	:	Mr.P.Mahaadevan
For R1	:	Mr.A.Gopinath
		Government Advocate (Crl.Side)

O R D E R

This petition has been filed to issue a direction to the first respondent to execute the order of the III Additional District and Sessions Judge, Coimbatore in Criminal Appeal No.77 of 2017 dated 24th June, 2020 confirming the order of the Judicial Magistrate, Fast Track Court at Magistrate Level II, Coimbatore in CC.No.126 of 2017 dated 9th March, 2017.

2. It is seen that the petitioner are the complainants in the complaint lodged by them for the offence punishable under Section 138 of NI Act in C.C.No.126 of 2017 on the file of the

Judicial Magistrate, Fast Track Court at Magistrate Level II, Coimbatore. The Trial Court found the second respondent guilty and sentenced him to undergo 1 year simple imprisonment and also ordered compensation of the cheque amount at interest to the tune of Rs.8,35,000/-.

3. Aggrieved by the same, the second respondent preferred an appeal before the III Additional District and Sessions Judge, Coimbatore, in Criminal Appeal No.77 of 2017. The Appellate Court also confirmed the conviction imposed by the Trial Court by the Judgment dated 24.06.2020. Though the first Appellate Court confirmed the conviction, the petitioner failed to approach the Trial Court to execute the order passed by the Trial Court. Therefore, the direction sought for in this petition cannot be considered. However, the petitioners are at liberty to approach the Trial Court for execution of the order passed by the Trial Court and sought for issuance of Non Bailable Warrant as against the second respondent herein. If any warrant is issued against the second respondent, the first respondent is directed to execute the same in accordance with law.

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

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mn/cda

To

1. The III Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court at Magistrate Level II,
Coimbatore.
3. The Inspector of Police,
E1, Trichy Main Road,
Singanalur, Coimbatore - 641005.
4. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.20744 of 2020

SKM(CO)
RLP(13/07/2022)