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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19221 of 2021

G.Mahendran,
S/o.Gopal

...Petitioner

Vs

1. The State Represented by,
The Inspector of Police (L&O),
N-1 Royapuram Police Station,
Chennai - 600 013.

2. Rasul Mohammed Khan,
S/o.Mohamed Yusuf Saralan

...Respondents

Prayer: The Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, pleaded to pass an order of direction, directing the first respondent jurisdictional police, to execute the bailable warrant issued in C.C.No.714 of 2019, by the learned FTC IV, Metropolitan Magistrate Court, George Town, Chennai, as against the second respondent/accused, in a manner known to law.

For Petitioner : Mr.S.Baskaran

For Respondents:

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the first respondent, to execute the bailable warrant issued in C.C.No.714 of 2019, by the Fast Tract Court-IV, Metropolitan Magistrate Court, George Town, Chennai, as against the second respondent/accused, in a manner known to law.



2.It is the case of the petitioner that he is the complainant in C.C.No.714 of 2019 pending trial on the file of the learned Judge, Fast Track Court-IV, Metropolitan Magistrate Court, George Town, Chennai. It is further grievance of the petitioner is that the Trial Court had issued a bailable warrant against the second respondent/accused to be executed through the first respondent. Though the bailable warrant has been handed over to the first respondent, the first respondent has not taken any steps to execute the bailable warrant, thereby, the present petition has been filed seeking for a direction.

3.Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the first respondent would submit that after the receipt of the warrant, the first respondent had gone to the address mentioned in the warrant at Door No.139/45/1, Raman Street, Royapuram, Chennai-13 and the second respondent/accused was not found at the address and he had conducted an enquiry with the people around including the neighbours and they have stated that no such person was living in that address. Once again, on 15.07.2019, a special team was formed under one Selvakumar, the Sub Inspector of Police (L&O), N-1 Royapuram Police Station, to secure the accused and they have also searched around the vicinity in Royapuram area and they were unable to trace out the second respondent/accused. Thereafter, a requisition was made to the Revenue Inspector-IV, Tondiarpet seeking for necessary proof of non-availability of second respondent/accused. After due verification, the Revenue Inspector certified that no such person is residing in the address given in the warrant. The first respondent is taking steps to intimate it to the Court.

4.The learned Additional Public Prosecutor would fairly submit that there had been some lapses, in not intimating the concerned Court about the non-availability of the second respondent/accused in the above address, and he would submit the first respondent will take steps to intimate the concerned Court on the next date of hearing i.e., on 31.03.2022.

5.Head both sides and perused the materials available on record.

6.Whenever, a warrant is issued to be executed through police, a statutory duty is cast on the police officials to execute the same. In the event, the police officials are unable to execute a warrant, for whatever reason it may be, a further duty is cast upon the police officials to intimate the concerned Court the reason for non-execution of the warrant. In this case, there had been lapses on the first respondent. However, this Criminal Original Petition stands disposed of with a direction to the first respondent to report the reason for non-



execution of warrant before the concerned Court on the next date of hearing. i.e., on 31.03.2022.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The learned Judge,
FTC IV, Metropolitan Magistrate Court,
George Town, Chennai.
2. The Inspector of Police (L&O),
N-1, Royapuram Police Station,
Chennai - 600 013.
3. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.19221 of 2021

GP(CO)
RGA(28/03/2022)