



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.25966 of 2021

K.Selvakumar

... Petitioner / Accused

Versus

1. State rep.by

The Inspector of Police
T3 Korattur Police Station
Korattur Chennai
(C.C.No.598 of 2018)

...1st Respondent / Respondent

2. Rengasamy

...2nd Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Judicial Magistrate Fast Track Court, Ambattur, to recall the Non-Bailable Warrant issued in C.C.No.598 of 2018 dated 27.04.2021.

For Petitioner : Mr.M.K.Bhoopathy Rajan

For Respondent : Mr.Raj Thilak for R1
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the Judicial Magistrate Fast Track Court, Ambattur, to recall the Non-Bailable Warrant issued in C.C.No.598 of 2018 dated 27.04.2021.

2. The grievance of the petitioner is that the first respondent is threatening the petitioner and harassing him, based on the Non-Bailable Warrant issued in C.C.No.598 of 2018 on 27.04.2021 by the Judicial Magistrate, Fast Track Court, Ambattur. He further submitted that despite the petitioner settled the cheque amount/due amount to the second respondent by way of Demand Draft in D.D.No.502904, Bank of Baroda, Kodambakkam Branch, dated 20.09.2021, the petitioner also sent a legal notice dated 04.12.2021 to the first respondent informing the settlement between the petitioner and the second respondent,



the petitioner is facing threat of harassment by execution of the Non-Bailable Warrant against him.

3. The learned Additional Public Prosecutor produced a copy of the petition filed by the complainant before the trial Court and the communication of the Judicial Magistrate, Fast Track Court, Ambattur, to the Inspector of Police, T3, Korattur Police Station in Dis.No.437 of 2021 dated 29.12.2021, directing the Inspector of Police, Korattur Police Station to execute the Non-Bailable Warrant, and give explanation under Section 44 of the Tamil Nadu District Police Act, 1859. From the petition filed by the complainant in C.C.No.598 of 2018, it is seen that on completion of trial, the trial Court by the judgment dated 27.04.2021 convicted the petitioner and sentenced him to 8 months Simple Imprisonment and directed the petitioner to pay a sum of Rs.2,30,000/- as compensation under Section 357 (3) Cr.P.C. The petitioner failed to comply with the orders of the trial Court. Further, no suspension of sentence ordered by the Appellate Court. On the other hand, the petitioner filed a memo with false averments along with fabricated documents (compromise deed) as though the matter has been settled between the petitioner and the complainant on 07.12.2021, and caused offences of perjury and contempt of Court.

4. At this stage, the learned counsel for the petitioner submits that he had filed an appeal before the Principal District and Sessions Judge, Tiruvallur in C.A.SR.No.1781 of 2021. In the appeal, he had filed CrI.M.P.No.4397 of 2021 seeking condonation of delay of 55 days. He had also filed suspension of sentence petition which is yet to be numbered, the case is posted to 12.01.2022. On that day, he would appear before the Sessions Court, pursue the appeal and other miscellaneous petitions, the apprehension is that, due to the pendency of the Non-Bailable Warrant, he would be arrested.

5. This Court finds that Non-Bailable Warrant is issued for a bailable offence. In view of the same, if the petitioner is ready to comply with the conditions, and to produce the surety, bail ought to be granted. In view of the same, the petitioner shall appear before the concerned Judicial Magistrate, file a petition to recall the Non-Bailable Warrant/execute a bond and thereafter, to appear before the Sessions Court on 12.01.2022 and further pursue appeal and connected Miscellaneous Petitions. The Sessions Court to consider and to pass orders on its own merits.



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6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

dna

To

1. The Principal District and Sessions Judge,
Tiruvallur.
2. The Judicial Magistrate,
Fast Track Court,
Ambattur.
3. The Inspector of Police
T3 Korattur Police Station
Korattur Chennai
(C.C.No.598 of 2018)
4. The Public Prosecutor
High Court, Madras.

+1cc to Mr.I.Jesu, Advocate, S.R.No.309

Crl.O.P.No.25966 of 2021

PVS[co]
NSK 12/01/2022