



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.1178 of 2022

WEB COPY

Kadhar Moideen

... Petitioner

vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Manamadurai Town Police Station,
Sivagangai District.

3.M.Krishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to execute the non bailable warrant dated 12.11.2021 issued by the Judicial Magistrate No.II (Fast Track Court at Magisterial Level), Madurai against the third respondent within a stipulated time as fixed by this Court.

For Petitioner : Mr.T.Lenin Kumar

For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (crl.side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for R1 & R2.

2. Considering the nature of relief to be granted, issuance of notice to R3 is dispensed with.

3. The petitioner was the complainant in S.T.C.No.76 of 2018 on the file of the Judicial Magistrate No.II, Madurai. The case ended in conviction and sentence. Aggrieved by the same, the accused filed Criminal Appeal No.85 of 2020 before the IV Additional District and Sessions Judge, Madurai. The appeal was dismissed on 31.08.2021.

4. It appears that the order passed by the first appellate court has not been stayed or set aside till date. The grievance of



the petitioner is that non bailable warrant issued by the trial magistrate has not been executed by the second respondent.

5. The Judicial Magistrate No.2 (Fast Track Court at Magisterial Level) Madurai is directed to ensure that non bailable warrant issued in the case is executed at the earliest. The second respondent herein is directed to comply with the non bailable warrant issued by the trial magistrate within a period of four weeks from the date of receipt of a copy of this order. I make it clear that this direction has been issued on the basis that the order passed by the first appellate court has not been suspended or set aside. If the third respondent is able to produce any suspension order, then, of-course, the direction now given will not be enforced.

6.This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 No.II (Fast Track Court at Magisterial Level), Madurai.

2.The Superintendent of Police,
Sivagangai District,Sivagangai.

3.The Inspector of Police,
Manamadurai Town Police Station,
Sivagangai District.

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

CrI.O.P.(MD)No.1178 of 2022

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