



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.6339 of 2022

P.Falgunan

...Petitioner

Vs.

1. The Inspector of Police,
Police Station,
Marthandam,
Kanyakumari District.

2. D.Soundar Raj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to pass any order or direction directing the Respondent No.1 to execute the Non Bailable Warrant dated 06/12/2021 and secure the Accused and produce in the Judicial Magistrate Court No.II, (Fast Track) Court, Madurai.

For Petitioner : Mr.V.Mayakannan

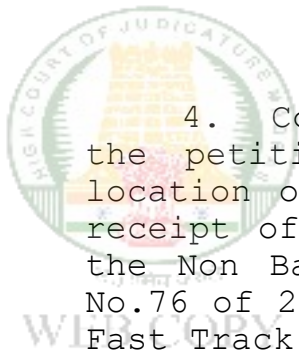
For Respondent : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the first respondent to execute the Non Bailable Warrant dated 06/12/2021 and secured the Accused and produce in the Judicial Magistrate Court No.II, (Fast Track) Court, Madurai.

2. The learned counsel for the petitioner would submit that the petitioner initiated proceedings under Section 138 of the Negotiable Instrument Act against the second respondent in STC No.76 of 2021 on the file of the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level), Madurai . Before the trial court the second respondent did not appear and as such the trial court issued Non Bailable Warrant as against the second respondent on 06.12.2021, which is pending on the file of the first respondent. Till today, they have not taken any steps to execute the Non Bailable Warrant as against the second respondent herein.

3. The learned Additional Public Prosecutor would submit that since the respondent police could not trace the address mentioned in the warrant they are unable to trace the accused and as such the warrant is pending with the first respondent.



4. Considering the above facts and circumstances of the case, the petitioner is directed to furnish the correct address and location of the second respondent to the first respondent and on receipt of the same, the first respondent is directed to execute the Non Bailable Warrant as against the second respondent in STC No.76 of 2021 on the file of the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level), Madurai within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate No.II (Fast Track) Court,
Madurai.

2. The Inspector of Police,
Marthandam,
Kanyakumari District.

Copy to:

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

+1 CC to M/s.V.MAYAKANNAN, Advocate (SR-16760[F] dated 06/04/2022)

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RD(13.04.2022) 2P 5C