



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

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

Crl.O.P.(MD) No.7575 of 2022

M/s.Samayapurathal Cotton Traders,
Rep. through its proprietor,
A.Subramanian,
S/O.Arumugam,
D.No.405, Sankar Bavanam,
Periyakulam Road,
Theni - 625531

...Petitioner

Vs.

1. The Superintendent of Police,
Erode District Superintendent of Police Office,
Erode.
2. The Inspector of Police,
Bangalapudur Police Station,
Gopichettipalayam,
Erode District.

3. Baburaj.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 1 and 2 to execute the Non Bailable Warrant in Crl.M.P.No. 1284 of 2020, dated 20.11.2020 issued by the learned Judicial Magistrate, Fast track court (Magisterial Level), Theni, against the third respondent.

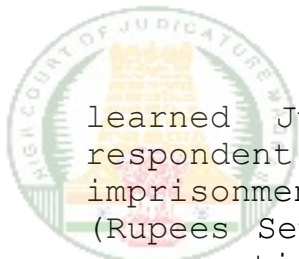
For Petitioner : Mr.P.Rajesh

For Respondent : Mr.R.M.Anbunithi
Nos.1 & 2 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 and 2 to execute the Non-Bailable Warrant in Crl.M.P.No. 1284 of 2020, dated 20.11.2020 issued by the learned Judicial Magistrate, Fast track court (Magisterial Level), Theni, against the third respondent.

2. The petitioner is the complainant and lodged a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act as against the third respondent and the same has been taken cognizance in S.T.C.No.72 of 2018, on the file of the



learned Judicial Magistrate (Fast Track Court), Theni. The respondent was convicted and sentenced to undergo simple imprisonment for 10 months and also to pay a sum of Rs.7,32,300/- (Rupees Seven Lakhs Thirty Two Thousand and Three Hundred only) as compensation amount. Aggrieved by the same, the third respondent preferred an appeal in Crl.M.P.No.14 of 2020, on the file of the learned Session Judge, Mahalir Neethimandram (Fast Track Court), Theni. It was also dismissed and confirmed the conviction and sentence imposed by the trial Court. The third respondent was not present before the trial Court and failed to surrender. Hence, the petitioner approached the trial Court to secure the third respondent in Crl.M.P.No.1284 of 2020. The trial Court issued Non Bailable Warrant on 20.11.2020 as against the third respondent and it is pending on the file of the second respondent, for execution.

3. Considering the facts and circumstances, the second respondent is directed to execute the Non-Bailable Warrant issued against the third respondent in Crl.M.P.No.1284 of 2020, dated 20.11.2020 within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the petitioner is directed to furnish the correct address of the third respondent and also co-operate with the second respondent for execution of Non Bailable Warrant issued as against the third respondent.

4. Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Judicial Magistrate,
Fast track court (Magisterial Level),
Theni.
- 2.The Session Judge,
Mahalir Neethimandram (Fast Track Court),
Theni.
- 3.The Superintendent of Police,
Erode District Superintendent of Police Office,
Erode.



4.The Inspector of Police,
Bangalapudur Police Station,
Gopichettipalayam,
Erode District.

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

+1 CC to M/s.P. RAJESH, Advocate (SR-21685[F] dated 27/04/2022)

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MK/13.05.2022/3P/7C