



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V. SIVAGNANAM**

Crl.O.P. (MD) No.10550 of 2022

WEB COPY

M.E.Jan Basha

...Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Nagamalai Pudhukottai Police Station,
Madurai. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the second respondent to execute a Non Bailable Warrant (NBW) against the accused in STC No.160 of 2017 on the file of the learned Judicial Fast Track Magistrate No.II, Madurai by considering the petitioner's representation dated 14.05.2022.

For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.R.Suresh Kumar,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent to execute a Non Bailable Warrant (NBW) against the accused in STC No.160 of 2017 on the file of the learned Judicial Fast Track Magistrate No.II, Madurai by considering the petitioner's representation dated 14.05.2022.

2. The learned counsel for the petitioner submitted that the petitioner filed a private complaint against the accused, namely, R.R.Bhuvanesh S/o.Ramamoorthy for offences under Section 138 Negotiable Instruments Act. The case was taken on file by Judicial Fast Track Court, Judicial Magistrate - II, Madurai in S.T.C. No.160 of 2017. Since the accused was not appeared, the NBW has been issued by the Judicial Magistrate Court that was pending with the second respondent. Since Non Bailable Warrant was not executed by the second respondent Police, this petition has been filed for direction.



3. I have considered the matter in the light of the submissions made by the learned counsels for both the parties.

4. There is specific provision under remedy provided for the execution of NBW. When there is specific procedures provided for remedy, Section 482 cannot be invoked. Therefore, this Petition is not maintainable. Hence, the petition is dismissed. The petitioner is permitted to approach the Trial Court for appropriate remedy for execution of Non Bailable Warrant and to secure the accused and to adopt other legal procedures prescribed in Cr.P.C for securing the accused before the Trial Court.

5. With the above observation, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

To

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

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.

3.The Inspector of Police,
Nagamalai Pudhukottai Police Station,
Madurai.

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

Crl.O.P. (MD) No.10550 of 2022
15.06.2022

srr(CO)

GC(30.06.2022) 2P 5C