



CRL.O.P (MD) No.11315 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11315 of 2022

R.Ramesh

... Petitioner/Complainant

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Sellur Police Station,
Madurai,
Madurai District.

...1st & 2nd Respondents/Complainants

3.A.Ramamoorthy

...3rd Respondent/Accused

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the 2nd respondent to execute the Non Bailable Warrant against the third respondent issued by the Judicial Magistrate, FTC No.1, Madurai in S.T.C.No.193 of 2017.

For Petitioner : Mr.R.Ramasamy

For R1 – R2 : Mr.M.Sureshkumar
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the second respondent to execute the Non Bailable Warrant issued against the third respondent issued by the Judicial Magistrate, FTC No.1, Madurai in S.T.C.No.193 of 2017.

2.The learned counsel for the petitioner submitted that the petitioner has filed a private complaint against the third respondent/accused before the learned Judicial Magistrate No.II, Madurai for the offences under Sections 138 of NI Act. The case has been taken on file in S.T.C.No.193 of 2017 and subsequently transferred to the file of the learned Judicial Magistrate FTC No.1, Madurai and the case is pending for trial. For non appearance of the third respondent/accused on 02.08.2019, the trial Court issued Non Bailable Warrant against the third respondent. Even though the trial Court sent Non Bailable Warrant to the second respondent for execution, the second respondent did not execute the same. Because of the non execution of Non Bailable Warrant by the second respondent, the case is pending and the trial Court was not able to proceed with the case further. Hence, he filed this petition.



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3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the second respondent will execute the Non Bailable Warrant against the third respondent, if it is available.

4.Recording the said submission made by the learned Government Advocate (Crl.side), the second respondent, is hereby directed to execute the Non Bailable Warrant, issued against the third respondent by the trial Court and to secure the accused as early as possible.

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

24.06.2022

Internet:Yes./No

Index:Yes/no

vsd

To

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Madurai City.

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V.SIVAGNANAM, J.

vsd

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

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