



Crl.O.P.(MD)No.12974 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P(MD)No.12974 of 2022

Kaliamoorthy

... Petitioner

Vs.

The State,
Represented by,
The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam,
Thanjavur District.

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., directing the respondent Police to execute the Non-Bailable Warrant issued by the learned Judicial Magistrate No.I, Kumbakonam in S.T.C.No.1611 of 2019 by order dated 12.02.2021 within the time frame as may be fixed by this Court.

For Petitioner : Mr.C.Hitesh Kumar

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Criminal Side).



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ORDER

This Criminal Original Petition has been filed to direct the respondent Police to execute the Non-Bailable Warrant issued by the learned Judicial Magistrate No.I, Kumbakonam in S.T.C.No.1611 of 2019 by order dated 12.02.2021.

2. The facts of the case are that a complaint was lodged by the petitioner against one person namely, Kumaresan with regard to borrow of money. The complaint was registered and it was taken on file by the Judicial Magistrate Court, Kumbakonam in S.T.C.No.4731 of 2009 and subsequently it was transferred to Judicial Magistrate No.I, Kumbakonam and was renumbered as S.T.C.No.1611 of 2019. The Trial Court by its judgement dated 12.02.2021 convicted the accused Kumaresan with a simple imprisonment of three months and also directed him to pay a sum of Rs.1,04,000/- (Rupees One Lakh Four Thousand only) as compensation to the petitioner within two months from the date of judgment.



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3. The learned counsel for the petitioner submitted that the accused failed to prefer an appeal and also failed to pay the compensation amount to the petitioner. In this regard, the petitioner filed a Process Memo before the Trial Court and the Trial Court was pleased to issue Non-Bailable Warrant against the accused and it was forwarded to the respondent Police on 27.09.2021. Even after the lapse of nine months, the respondent Police have not executed the warrant issued by the Trial Court. Having no other way, the petitioner preferred a detailed representation dated 01.04.2022 to the respondent Police. Since no action was taken, the present Criminal Original Petition has been filed.

4. The learned Government Advocate (Criminal Side), appearing for the respondent Police submitted that the respondent Police seeks two months time to execute the warrant issued by the Trial Court.

5. Recording the same, this Court grants two (2) months time to the respondent Police to execute the non-bailable warrant issued by the Trial Court.



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Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

Nsr

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