



Crl.O.P.(MD) No.17611 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) Nos.17611, 17612 and 17613 of 2022

Seiyadhu Ammal

...Petitioner in all petitions

-VS-

1. The Deputy Inspector General of Police
Ramnad Range,
Ramanathapuram.
2. The Inspector General of Police
South Zone
No.1, New Natham Road
Bibikulam, Madurai 625 002.
3. The Superintendent of Police
Sivagangai District
4. The Deputy Superintendent of Police
Manamadurai Division
Sivagangai District



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5. The Inspector of Police
Manamadurai Police Station
Manamadurai
Sivagangai District

6.V.S.Suresh

...Respondents in all petitions

(R2 is suo motu impleaded vide order of this Court, dated 09.11.2022 and the original respondents are re-arranged accordingly)

COMMON PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Respondents 1 to 5 to execute the Non Bailable Warrant issued by the learned Judicial Magistrate, Manamadurai in STC Nos. 8,9 and 10 of 2022 dated 30.12.2020 within the time frame fixed by this Court.

(In all petitions)

For Petitioner	: Mr.K.C.Ramalingam
For R1 to R5	: Mr. R.Sivakumar
	Government Advocate(Crl.Side)

COMMON ORDER

These Criminal Original Petition has been filed to direct the Respondents 1 to 5 to execute the Non Bailable Warrant issued by the



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learned Judicial Magistrate, Manamadurai in STC Nos.8,9 and 10 of 2022 dated 30.12.2020 within the time frame fixed by this Court.

2. The learned Counsel for the Petitioner would submit that the Petitioner is the Complainant in STC Nos.8,9 and 10 of 2022 on the file of the learned Judicial Magistrate, Manamadurai. It is the contention of the learned Counsel for the Petitioner that Non Bailable Warrant was issued for the third time.

3. In the light of the submission made by the learned Counsel for the Petitioner, the Inspector General of Police, South Zone, Madurai is *suo motu* impleaded as necessary party/second Respondent considering the subject matter of the adjudication.

4. Invariably it is found that in trial Court throughout the State of Tamil Nadu, when trial proceeds the accused absconds, irrespective of the Court concerned, whether it is Sessions Court or whether is the Magistrate Court. At the moment trial commenced the accused absconds.



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5. Already the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***, had given directions to the Investigation Officer that when the accused absconds either during investigation or during trial even if bail is granted by the Hon'ble Supreme Court, the Station House Officer concerned can approach the learned Judicial Magistrate concerned and seek cancellation of bail as though the bail was granted by the jurisdictional Magistrate.

6. In spite of the said ruling having been circulated throughout the State, the Officers are indifferent resulting in warrants pending before the trial Court and the trial Court is unable to dispose the case in spite of directions from this Court.

7. Here the case is under Section 138 of the Negotiable Instrument Act. It is based on the private complaint. Warrant was issued by the learned Judicial Magistrate directing the Police having territorial jurisdiction. The learned Judicial Magistrate has to insist the jurisdiction police to execute



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warrant. In spite of the warrant issued by the learned Judicial Magistrate, the warrant was not executed by the Police. The Petitioner was forced to approach this Court by invoking the provision under Section 482 of Cr.P.C. Therefore the Inspector General of Police, South Zone, Madurai is directed to form special unit regarding execution of warrants in the south zone under his administrative control in all the Districts falling under the Madurai Bench of High Court, Madras so that warrants can be executed by the special unit. The accused to be produced before the various Courts falling under the jurisdiction of the Madurai Bench of Hon'ble High Court, Madras to enable the various trial Courts to proceed with the trial. Also the trial Courts are directed that if the accused are produced on warrants, bail already granted to the accused shall be cancelled as per the reported ruling of the Hon'ble Supreme Court in the case of ***P.K.Shaji vs. State of Kerala*** reported in ***[(2005)AIR SCW 5560]*** and they may be detained in Prison till the trial is completed. If this method is adopted the trial can be completed within specified time.



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8. With the above direction these Criminal Original Petitions are disposed of.

09.11.2022

Internet: Yes./No
Index: Yes/no
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5. The Inspector of Police
Manamadurai Police Station
Manamadurai
Sivagangai District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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