



WEB COPY



Crl.O.P.No.5881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5881 of 2023

G.Chandramouli

...

Petitioner

VS.

1.The Commissioner of Police,
Greater Chennai Police,
Greater Chennai Police Commissioner Office,
Vepery, Chennai.

2.The Deputy Commissioner of Police,
Deputy Commissioner Office,
Rajaji salai, Parrys,
Chennai.

3.The Assistant Commissioner of Police,
The Assistant Commissioner office,
B-1, North Beach Police Station,
Chennai.

4.The Inspector of Police,
B-1, North Beach Police Station,
Parrys, Chennai.

5.I.Gulzar Ahmed

...

Respondents



Crl.O.P.No.5881 of 2023

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the 2nd respondent herein to consider the representation of the petitioner dated 24.12.2022 and take immediate action to execute non bailable warrant issued by the Hon`ble Fast Track Court, Alandur, Chennai in CC No. 274 of 2017 pursuant to the judgment dated 18.07.2022.

For Petitioner ... Mr.N.Soundararajan

For R 1- 4 ... Mr.S.Santhosh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the 2nd respondent herein to consider the representation of the petitioner dated 24.12.2022 and take immediate action to execute non bailable warrant issued by the Fast Track Court, Alandur, Chennai in CC No. 274 of 2017 pursuant to the judgment dated 18.07.2022.

2. Learned counsel for the petitioner submitted that, Non Bailable Warrant was issued against the 5th respondent on 19.09.2022. Thereafter, despite several adjournments, Non Bailable Warrant is not executed. The case in C.C.No.274 of 2017 is pending without any progress, necessitating filing of this petition.



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3. In response, learned Government Advocate (Criminal side) submitted that, 5th respondent is not available in the given address, therefore, a report was filed before the Fast Track Court, Alandur, informing that, 5th respondent is not available, along with a certificate from Village Administrative officer.

4. Considered the submissions of the parties and perused the materials.

5. This Court is of the view that, when Non Bailable Warrant is issued, there is only one course open to the respondent police i.e., to execute the Non Bailable Warrant. While so, filing a report stating that, 5th respondent is not available in the given address cannot be a ground for the respondent for not executing the Non Bailable Warrant. It is the duty of the respondent police to trace the whereabouts of the 5th respondent and execute the Non Bailable Warrant.



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6. Therefore, this Court directs the respondent police to get fresh Non Bailable Warrant from the concerned Judicial Magistrate, Fast Track Court, Alandur, Chennai and execute the same within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Original Petition is disposed.

15.03.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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- 1.The Fast Track Court, Alandur,
Chennai
- 2.The Commissioner of Police,
Greater Chennai Police,
Greater Chennai Police Commissioner Office,
Vepery, Chennai.
- 3.The Deputy Commissioner of Police,
Deputy Commissioner Office,
Rajaji salai, Parrys,
Chennai.
- 4.The Assistant Commissioner of Police,
The Assistant Commissioner office,
B-1, North Beach Police Station,
Chennai.
- 5.The Inspector of Police,
B-1, North Beach Police Station,
Parrys, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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