



WEB COPY



Crl.O.P.No.7242 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7242 of 2023

Sadasivam

...

Petitioner

VS

1.The Superintendent of Police,
Namakkal District,
Namakkal.

2.The Deputy Superintendent of Police,
Rasipuram,
Namakkal District.

3.The Inspector of Police,
Vennanthur Police Station,
Vennanthur,
Namakkal District.

4.Ramesh

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 3rd respondent to execute the Non-Bailable Warrant, issued by the learned Judicial Magistrate, Rasipuram, in C.C.No.25 of 2016, within a stipulated time and thus render justice.



Crl.O.P.No.7242 of 2023

For Petitioners ... Mr.B.Jawahar
For R-1 -3 ... Mr.S.Santhosh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 3rd respondent to execute the Non-Bailable Warrant, issued by the learned Judicial Magistrate, Rasipuram, in C.C.No.25 of 2016, within a stipulated time.

2. It is the submission of learned counsel for the petitioner that, petitioner filed a case in C.C.No.25 of 2016 against the 4th respondent for the offence under Section 138 of Negotiable Instruments Act. When the case was pending for defence side evidence, 4th respondent remained absent, therefore, the Court issued Non-Bailable Warrant on 16.09.2022. Since then, Non-Bailable Warrant is pending without execution.

3. In response, learned Government Advocate (Criminal side) submitted that, necessary steps would be taken to execute the Non-Bailable Warrant. He further submitted that 4th respondent made an effort to



Crl.O.P.No.7242 of 2023

surrender before the Trial Court, recalling the Non-Bailable Warrant.

However, the matter was not disposed for the reason that, this Criminal Original Petition is pending.

4. In the light of the submissions of the learned counsel for the parties, this Court is of the view that pendency of this petition is not a bar to pass appropriate orders, if any warrant recall petition is filed by the 4th respondent. In such circumstances, this Court directs the 3rd respondent to take immediate steps to execute Non-Bailable Warrant and produce the accused before the Trial Court for further necessary action.

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

03.04.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
gd



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Crl.O.P.No.7242 of 2023

G.CHANDRASEKHARAN, J.

gd

To

1.The Judicial Magistrate,
Rasipuram.

1.The Superintendent of Police,
Namakkal District,
Namakkal.

2.The Deputy Superintendent of Police,
Rasipuram,
Namakkal District.

3.The Inspector of Police,
Vennanthur Police Station,
Vennanthur,
Namakkal District.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7242 of 2023

03.04.2023