



Crl.O.P.No.16420 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.7.2023

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16420 of 2023

Mr.P.T.Geotom

...Petitioner

Vs

1.State by
The Inspector of Police,
J7 Velacherry Police Station,
Velacherry, Chennai-42

2.P.Ramesh Selvadoss

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code praying to direct the first respondent - the concerned police station to serve summons under Section 62 of the Criminal Procedure Code upon the second respondent to compel his appearance in C.C.No.5741 of 2017 before the Fast Track Court No.2, Egmore, Chennai.

For Petitioner : Mr.S.Sathiachandran

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This Criminal Original petition has been filed for a direction to the 1st respondent to serve summons on the 2nd respondent and to compel his appearance in CC No.5471 of 2017 before the Fast Track Court II, Egmore, Chennai.

2. Heard Mr.S.Sathiachandran, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for 1st respondent.

3. It is seen from the daily status that has been filed before this Court that the service of summons on the 2nd respondent is pending from the year 2017 onwards. The grievance of the petitioner is that the 2nd respondent is evading summons and there has been absolutely no progress in the case right from the year 2017 onwards. Hence, the petitioner wants the summons to be served to the 2nd respondent through the police.



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4. In the considered view of this Court, if the 2nd respondent is evading receipt of summons, it is always left open to the Court below to either issue a bailable warrant or a non-bailable warrant to secure the presence of the 2nd respondent. The Court below has mechanically ordered for issuing summons to the 2nd respondent which has not been served for the last six years. Therefore, there shall be a direction to the Court below to take stringent steps to secure the presence of the 2nd respondent by issuing a warrant and it goes without saying that the warrant will be executed through the 1st respondent police.

5. This Criminal Original petition is disposed of with the above directions.

24.07.2023

Index :Yes/No
Speaking Order : Yes/No
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To

- 1.The Metropolitan Magistrate,
Fast Track Court at Magisterial
Level II, Egmore, Chennai.
- 2.The Inspector of Police,
J7 Velacherry Police Station,
Velacherry, Chennai-42.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J

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