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Crl.O.P.No.10939 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL.O.P.No.10939 of 2023

N.P.Vikaram Prakash

... Petitioner

Vs.

1.The Superintendent of Police
District Police Officer
Cuddalore
Cuddalore Dist.

2.The Senior Superintendent of Police
Ghaziabad
Raj Nagar Dist.
Uttarpradesh 201 002

3.Sunshine Trading Co. Rep. by its Sole Proprietor
Sharukh Malik ... Respondents

PRAYER : Petition filed under Section 482 of Cr.P.C, to direct the 1st and 2nd respondent herein to execute Non-bailable warrant dated 06.10.2022 issued by the learned Judicial Magistrate No.1, Virudhachalam against the accused SHARUKH MALIK, s/o. Mohammad Rahis SUNSHINE TRADING CO. near Pasonate bus



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stand, Sahibabad Ghaziabad, Taluk, Uttar Pradesh 201005.

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For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Balaji
Govt. Advocate (Crl. Side)

ORDER

Petition filed under Section 482 of Cr.P.C, to direct the 1st and 2nd respondent herein to execute Non-bailable warrant dated 06.10.2022 issued by the learned Judicial Magistrate No.1, Virudhachalam against the accused SHARUKH MALIK, s/o. Mohammad Rahis SUNSHINE TRADING CO. near Pasonate bus stand, Sahibabad Ghaziabad, Taluk, Uttar Pradesh 201005.

2.Learned counsel for the petitioner submitted that he is the complainant in S.T.C.No.893 of 2021 under Section 138 of Negotiable Instrument Act, which is pending on the file of the learned Judicial Magistrate No.1, Virudhachalam and the amount involved in this case is to the tune of Rs.2,45,70,000/-. He further submitted that since the accused has failed to appear before the trial



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Court, a Non bailable warrant was issued against the accused / 3rd respondent on 06.10.2022, but till now the accused has not been secured by the respondent police. The learned counsel submitted that, now the address of the accused / 3rd respondent has been given to the 2nd respondent herein. Hence, seeks for a direction of this Court to direct the 1st respondent herein to appoint a special team of police men to secure the accused at the cost of the petitioner to produce him before the learned Judicial Magistrate No.1, Virudhachalam, Cuddalore District and to execute the non bailable warrant pending against the accused / 3rd respondent.

3.Since the petitioner is ready and willing to bear the expenses involved in executing the warrant pending against the accused / 3rd respondent and secure him, the 1st respondent is hereby directed to appoint a special team of police men to execute the non bailable warrant pending against the accused / 3rd respondent and to produce him before the learned Judicial Magistrate No.1, Virudhachalam, Cuddalore District. The petitioner shall pay the cost involved as per



the Rules.

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SUNDER MOHAN, J.

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4.With the above direction, this Criminal Original Petition stands disposed of.

10.05.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1.The Superintendent of Police
District Police Officer
Cuddalore
Cuddalore District

2.The Senior Superintendent of Police
Ghaziabad
Raj Nagar Dist.
Uttarpradesh 201 002

3.The Public Prosecutor
High Court of Madras
Chennai

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