



Crl.O.P.No.13485 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13485 of 2023

G.Shanmugam

...Petitioner

Vs.

1.State rep. By
The Inspector of Police,
J.J Nagar Police Station,
Chennai.

2.B.Kuppuswamy

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, directing the 1st respondent Police to execute Bailable warrant dated 27.07.2022 issued by the learned Fast Track (Judicial Magistrate Level), at Ambattur in S.T.C.No.162 of 2022, against the 2nd respondent, within a time limit to be stipulated by this Court.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.Leonard Arul Joseph Selvam

Government Advocate (Crl side)

(For R1)

ORDER

This Criminal Original Petition has been filed to direct the 1st



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respondent Police to execute Bailable warrant dated 27.07.2022 issued by the learned Fast Track (Judicial Magistrate Level), at Ambattur in S.T.C.No.162 of 2022, against the 2nd respondent, within a time limit to be stipulated by this Court.

2.The learned counsel for the petitioner submitted that petitioner filed case under Section 138 of Negotiable Instruments Act, against the accused /second respondent. Second respondent deliberately avoided the receipt of summons. The summons through RPAD was returned as “Addressee absent and unclaimed”. Therefore, the learned Fast Track (Judicial Magistrate Level), at Ambattur, observed that service held sufficient and ordered issuance of bailable warrant. The respondent Police is not executing the bailable warrant and therefore this petition.

3.The learned Government Advocate (Criminal side) submitted that the first respondent tried to execute the bailable warrant, it was found that second respondent is not residing in the address given in the warrant and therefore, bailable warrant could not be executed.



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4.In the light of the submissions narrated above and also the fact that the summons sent to the second respondent was returned as “Addressee absent and unclaimed”, second respondent is not residing in the given address, this Court directs the petitioner to approach the learned Fast Track (Judicial Magistrate Level), at Ambattur, for issuance of fresh warrant giving correct address. On such issuance of fresh warrant with correct address, first respondent is directed to execute the warrant immediately.

5.Accordingly, this Criminal Original Petition is disposed of.

19.06.2023

Index: Yes/No
Speaking/Non speaking order
ep

To
1.Fast Track (Judicial Magistrate Level),
Ambattur

2.The Inspector of Police,
J.J Nagar Police Station,
Chennai.



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3. The Public Prosecutor
Madras High Court.



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G.CHANDRASEKHARAN, J.

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