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Crl.O.P.(MD)No.13185 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.13185 of 2023

R.Pandiyan

... Petitioner

Vs.

1.The Inspector of Police,
Periyakulam Police Station,
Theni District-603.

2.Sathish Kumar

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the learned Judicial Magistrate, Periyakulam, to issue non bailable warrant to the first respondent Police in order to secure the accused in compliance to the order passed by this Court in Crl.A. (MD).No.14 of 2020 dated 27.02.2023.

For Petitioner : Mr.C.Muthu Saravanan

For R-1 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed seeking for a direction to issue committal warrant to suffer imprisonment of five years imposed by this Court in Crl.A.(MD).No.14 of 2020, dated 27.02.2023.



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2. It is submitted by learned counsel for the petitioner that the petitioner's son was killed by four accused, on which, the Police have registered a case in Crime No.183 of 2015 for the alleged offence under Section 302 of I.P.C. and the same was taken on file in S.C.No.176 of 2015. After fullfledged trial, the said case was disposed of on 28.11.2019 finding all the accused not guilty of the offence. Aggrieved by the same, the petitioner / *defacto* complainant has filed Crl.A. (MD).No.14 of 2020 and also the prosecution has also preferred Crl.A. (MD).No.90 of 2021 and both of them jointly tried and heard and disposed of on 27.02.2023 setting aside the Judgment of the trial Court in S.C.No.176 of 2015 finding Accused No.1 guilty for the offence under Section 304 (1) of I.P.C., while confirming the acquittal in respect of Accused Nos.2 to 4.

3. It is submitted that even after pronouncing the Judgment finding Accused No.1 guilty and directing the Accused No.1 to surrender before the learned Magistrate within thirty days from the date of Judgment on 27.02.2023, still, the warrant has not been issued by the Court and therefore, sought for suitable directions.



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4. Learned Government Advocate on the other hand, submits that, the respondent Police would approach the concerned learned Magistrate and file appropriate petition and get the directions to issue warrant and proceed further.

5. Considering the submissions made by both the parties and on perusal of the record, the respondent Police are directed to approach the concerned Magistrate Court immediately and file a requisition for issuance of warrant to Accused No.1 in pursuance of Judgment in Crl.A. (MD).No.14 of 2020 and proceed further in executing the same.

6. With this direction, the Criminal Original Petition stands closed.

24.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
tsg



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DR.D.NAGARJUN. J.

tsg

To

- 1.The Judicial Magistrate, Periyakulam.
- 2.The Inspector of Police,
Periyakulam Police Station,
Theni District-603.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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