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Crl.O.P.(MD)No.15416 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.09.2023**

CORAM:

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

Crl.O.P.(MD) No.15416 of 2023

Somasundaram

... Petitioner

Vs.

1.The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Parangipettai Police Station (Porte Nova),
Cuddalore District.

3.Saravanan

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2 to execute the Non-Bailable Warrant pending against the third respondent issued by the learned Judicial Magistrate No.IV, Trichy in S.T.C.No.412 of 2016, within a time frame fixed by this Court.

For Petitioner : Mr.R.S.Sivaram

For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition is filed seeking for a direction to the respondents 1 and 2 Police to execute a Non-bailable warrant issued against the third respondent in S.T.C.No.412 of 2016 pending on the file of the learned Judicial Magistrate No.IV, Tiruchirappalli.

2. It is submitted that the petitioner has filed a complaint before the learned Judicial Magistrate No.IV, Tiruchirappalli, in S.T.C.No.412 of 2016 alleging that the respondent No.3 has committed the offence under Section 138 of the Negotiable Instrument Act and that the learned Magistrate has issued non-bailable warrants against the third respondent and on account of non-execution of Non-bailable warrant since 2021, the matter could not be proceeded with. Therefore, he sought for suitable directions.

3. The learned Government Advocate criminal side appearing for the respondents Police, on the other hand, submits that the respondents Police did not have any warrant with them and in case if fresh warrant is issued directing the respondents Police to execute the same, the respondents Police would execute the warrant within a time frame fixed



by the Court.

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4. Considering the submission made by both sides, the petitioner is directed to move an application before the trial Court for issuance of fresh warrant to the accused. On receipt of warrant, the respondents Police are directed to execute the same within a period of four weeks thereafter as it is reported that the respondent No.3 is a Government employee and very much available.

5. With these observations, this Criminal Original Petition is disposed of.

Index : Yes/No
Internet : Yes/No
ssb

01.09.2023



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To

- 1.The Superintendent of Police,
Cuddalore District.
- 2.The Inspector of Police,
Parangipettai Police Station (Porte Nova),
Cuddalore District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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