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Crl.O.P.(MD)No.15424 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.15424 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 Bailable Warrant pending against the third respondent issued by the learned Judicial Magistrate No.IV, Trichy in S.T.C.No.431 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)



ORDER

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This Criminal Original Petition is filed seeking for a direction to the respondents 1 and 2 Police to execute aailable warrant issued against the third respondent in S.T.C.No.431 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.431 of 2016 alleging that the respondent No.3 has committed the offence under Section 138 of the Negotiable Instrument Act. It is submitted that the concerned Magistrate has issued theailable warrant against the third respondent for securing his presence and the said warrant is pending since April 2021 and on account of non-execution ofailable warrant, 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 asking the respondents Police to execute the same, the



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respondents Police would execute the warrant within a time frame fixed by the Court.

4. Considering the submission made by both sides, the petitioner is directed to move an application before the trial Court and see that the warrant is issued 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 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.

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