



Crl.O.P.(MD)No.23359 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **22.12.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

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O.Raja

... Petitioner/Defacto Complainant/
Respondent

Vs.

1.Amutha

... 1st Respondent/Accused/Appellant

2.The Superintendent of Police,
Theni District,
Theni.

3.The State rep. by
The Inspector of Police,
Thenkarai Police Station,
Theni District.

..Respondents/Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 3rd respondent police to execute the warrant issued against the 1st respondent in view of the conviction and sentence confirmed in C.A.No.32 of 2020 on the file of the Additional District and Sessions Court, Theni at Periyakulam, dated 14.08.2021 confirming the order passed in S.T.C.No.138 of 2014 on the file of the Judicial Magistrate, Periyakulam, within the period that may be stipulated by this



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Court.

For petitioner : Mr.R.Ramanujam for
M/s.Gandhi Associates
For Respondents : Mr.R.M.Anbunithi, for R2 & R3
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to the 3rd respondent police to execute the warrant issued against the 1st respondent in view of the conviction and sentence confirmed in C.A.No.32 of 2020 on the file of the Additional District and Sessions Court, Theni at Periyakulam, dated 14.08.2021 confirming the order passed in S.T.C.No.138 of 2014 on the file of the Judicial Magistrate, Periyakulam, within the period that may be stipulated by this Court.

2.The learned counsel for the petitioner would submit that the petitioner is the defacto complainant in this case. He lodged a private complaint on the file of the learned Judicial Magistrate, Periyakulam against the first respondent and the same was taken cognizance in S.T.C.No.138 of 2014 for the offences punishable under Sections 138 of the Negotiable Instruments Act. After full trial, the accused was convicted and sentenced for the offences punishable under Sections 138 r/w 142 of Negotiable Instruments Act. Against which, the first



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respondent filed an appeal before the learned Additional District and Sessions Court, Theni at Periyakulam, in C.A.No.32 of 2020. The same was dismissed confirming the order passed by the trial Court on 14.08.2021. Since the accused was not present on that date arrest warrant was issued. Though the appeal was dismissed and warrant was issued on 14.08.2021, so far no arrest has been made by the respondent police. Hence, this petition seeking direction to arrest the first respondent.

3.The learned Additional Public Prosecutor would submit that within a month, the above said warrant will be executed by the respondent police.

4.Recording the submissions made by the learned Additional Public Prosecutor, there shall be a direction to the second respondent to execute the warrant issued against the first respondent, within a period of one month from the date of receipt of a copy of this order.



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5.With the above said directions, this criminal original petition stands disposed of.

22.12.2023

Index : Yes/No

Internet : Yes/No

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To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
Thenkarai Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA. J.

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