



Criminal Original Petition No.25026 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.25026 of 2023

R.Muthiayan
S/o.Late Ramasamy

... Petitioner

Vs.

1.The Inspector of Police,
Thalaivasal Police Station,
Thalaivasal, Attur TK,
Salem District.

2.V.Murugasan
S/o.Velappa Gounder (late)

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the first respondent to execute the warrant the NBW order dated 25.10.2021 passed by Fast Track Court, Attur, against the second respondent.

For Petitioner : Mr.I.Arockia Selvaraj



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for Mr.K.Prashanth

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side] [R1]

ORDER

This Criminal Original Petition has been filed for a direction to the first respondent to execute the non-bailable warrant that was issued by the Fast Track Court, Attur, against the second respondent.

2. The petitioner is the complainant, who has filed a complaint against the second respondent for an offence u/s.138 of the Negotiable Instruments Act. The complaint, which was heard in STC No.176 of 2018, ended in convicting the second respondent for offence u/s.138 of the Negotiable Instruments Act and sentencing the second respondent to undergo six months simple imprisonment and to pay compensation of Rs.3,20,000/-. The petitioner filed a memo before the Court below seeking for execution of the sentence and a non-bailable warrant came to be issued by the Fast Track Court, Attur. The grievance of the petitioner is that the first petitioner is not executing the non-bailable warrant. Left with no other option, the present



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petition has been filed seeking for appropriate direction.

3. Heard Mr.I.Arockia Selvaraj, learned counsel for petitioner and Mr.A.Gopinath, learned Government Advocate [Crl.side] appearing for first respondent.

4. When the matter was taken up for hearing today, learned Government Advocate [Crl.side] appearing for first respondent submitted that the address that was furnished by the petitioner is insufficient and on enquiry made by the Village Administrative Officer, the second respondent was not available anywhere near the place where the address of the second respondent is shown. The certificate issued by the Village Administrative Officer dated 02.12.2023 was also placed before this Court.

5. In the considered view of this Court, the petitioner has to necessarily ascertain the correct address of the second respondent. On ascertaining the correct address, the same shall be furnished to the first



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respondent and the first respondent shall immediately execute the non-bailable warrant against the second respondent and secure the second respondent and produce him before the concerned Court.

This Criminal Original Petition is disposed of with the above direction.

03.01.2024

Index : Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No
gm

To

- 1.The Fast Track Court,
Attur.
- 2.The Inspector of Police,
Thalaivasal Police Station,
Thalaivasal, Attur TK,
Salem District.
- 3.The Public Prosecutor,
High Court of Madras.

N.ANAND VENKATESH, J



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