



CrI.O.P.(MD)No.2630 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.2630 of 2024

V.Subbiah Nadar
represented by its Partner
S.Rethinavelu
through her Power Agent
Mr.Karuppasamy

... Petitioner

Vs

P.Andi,
S/o Thiru P.Palani,
Proprietor M/s Balamurugan Agencies,
74-A Boothanayaki Amman Kovil Street,
Tuvarankuruchi 621 314.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate / Fast Track Court No.II, Madurai to dispose of STC No. 404 of 2021, within the time stipulated by this Court in the manner known to the law.

For Petitioner : Mr.Babu Rajendran

ORDER

The petitioner/complainant in STC No.404 of 2021, which is pending before the learned Judicial Magistrate / Fast Track Court No.II,



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Madurai has approached this Court that the case is pending without any progress for the past four years.

2.The grievance of the petitioner is that the accused has not appeared before the trial Court. Therefore, the learned Magistrate has issued a Bailable Warrant, instead of a Non-Bailable Warrant and the Bailable warrant was also not executed by the respondent police. It is reported that the accused is absent from 23.06.2022.

3.This court considered the submissions of the learned counsel for the petitioner.

4.It appears that the case, which is pending from the year 2021 has not been proceeded further for want of accused. Bailable warrant issued as against the accused has not been executed. In the event, if the accused is absent from the year 2022, it is not justified on the part of the learned Magistrate to issue a Bailable Warrant and he has to issue a Non Bailable Warrant.



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5. Therefore, the learned Judicial Magistrate is expected to issue a Non Bailable Warrant as against the accused, who is not appearing before the trial Court since 2022. The petitioner is at liberty to file necessary application for execution of the warrant and the respondent police is directed to execute the Non Bailable Warrant, to be issued as against the accused as expeditiously as possible.

6. With the above directions, this Criminal Original Petition is disposed of.

18.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
vrn

To

1. The Judicial Magistrate / Fast Track Court No.II, Madurai
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Inspector of Police,
Tuvarankuruchi Police Station,
Tuvarankuruchi- 621 314.



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B.PUGALENDHI,J

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