



Crl.O.P.(MD)No.5186 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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M/s.SD Exports,
A Proprietorship Firm Through its Proprietor
Mr.Subburam

... Petitioner

Vs.

1.State,
Rep. by the Inspector of Police,
Sulur Police Station,
Coimbatore District.

2.M/s.Nikoshi Exports,
A Partnership Fir,
By its Partner S.Kohila

3.S.Kohila

4.P.Radhika

5.V.Sivakumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent police to execute the Bailable Warrant dated 07.06.2022 in S.T.C.No.87 of 2022 against the respondents 2 to 5 herein on the basis of the order



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communication in D.No.54 dated 29.01.2024 by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Theni within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.B.Anandan

For R-1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent police to execute the Bailable Warrant dated 07.06.2022 in S.T.C.No.87 of 2022 against the respondents 2 to 5 herein on the basis of the communication in D.No.54 dated 29.01.2024 by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Theni within a stipulated time that may be fixed by this Court.

2.The petitioner is the complainant in S.T.C.No.87 of 2022, which was instituted for the offence under Section 138 of the Negotiable Instruments Act. The accused, though received summons, have failed to appear and therefore, the learned Magistrate has also issued a Non-Bailable Warrant of arrest to the accused on 07.06.2022. The petitioner has approached this Court that though the warrant is pending from the



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month of June 2022, the first respondent police has failed to take any action for executing the warrant for the past 20 months.

3.The learned Additional Public Prosecutor submits that the first respondent police have taken earnest efforts to secure the accused. However, they are not available in the address and they have also requested the Village Administrative Officer to give a certificate to that effect.

4.Considering the rival submissions made, this Court is inclined to issue the following directions:

(i)The first respondent police is directed to secure the accused within a period of three months from the date of receipt of a copy of this order;

(ii)The petitioner shall also file the necessary application before the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Theni under Section 82 of Cr.P.C.; and

(iii) If any such application is filed by the petitioner, the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Theni shall pass orders on that application.



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5. With the above directions, this Criminal Original Petition is closed.

04.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sjj

To

1. The Judicial Magistrate,
Fast Track Court (Magisterial Level), Theni.

2. Inspector of Police,
Sulur Police Station,
Coimbatore District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

sjl

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