



Crl.O.P.(MD) Nos.12459 and 12463 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) Nos.12459 and 12463 of 2024

For CRL.O.P (MD) No. 12459 of 2024

B.Santhi

... Petitioner

Vs

1. S.Doshiba

**2. The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
Thanjavur.**

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction to the second respondent to restrain from executing the warrant and including from taking any coercive action against the petitioner, pursuant to the order passed by the learned Judicial Magistrate No.I, Kumbakonam in S.T.C.No.463 of 2022, dated 24.07.2024.

For Petitioner : E. Somasundaram,

For R2 : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side)



Crl.O.P.(MD) Nos.12459 and 12463 of 2024

For CRL.O.P (MD) No. 12463 of 2024

WEB COPY

B.Santhi

... Petitioner

Vs

1. M.Sankar

2. The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
Thanjavur.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to the first and second respondent to restrain from executing the warrant and including from taking any coercive action against the petitioner, pursuant to the order passed by the learned Judicial Magistrate No.I, Kumbakonam in S.T.C.No.216 of 2022, dated 24.07.2024.

For Petitioner : E. Somasundaram,

For R2 : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side)

COMMON ORDER

These criminal original petitions have been filed seeking a direction to the respondent police not to execute the warrant pursuant to the order passed by the learned Judicial Magistrate No.I, Kumbakonam in S.T.C.Nos.



Crl.O.P.(MD) Nos.12459 and 12463 of 2024

463 and 216 of 2022, dated 24.07.2024.

WEB COPY

2.The learned Counsel appearing for the petitioner submits that the petitioner is the accused in the proceedings initiated under Section 138 of Negotiable Instruments Act. The petitioner has also suffered conviction on 24.07.2024. He also submits that the genuine steps have been taken to prefer an appeal before the Sessions Court. However, he could not file the same in view of the boycott before the Sessions Court. In the mean while, the defacto complainant in order to coerce the petitioner, is attempting to take a warrant as against the petitioner and arrest the petitioner. Therefore, this petitioner has filed these applications seeking a direction not to make any coercive steps as against the petitioner till the appeal time expires.

3.This Court has considered the submission made on behalf of the petitioner and also ascertained from the petitioner whether she has appeared before the concerned Judicial Magistrate on the date of conviction and whether she has been granted with any suspension order.



Crl.O.P.(MD) Nos.12459 and 12463 of 2024

4.It appears that the petitioner has not appeared before the learned Judicial Magistrate No.I, Kumbakonam. In the event if the petitioner has not appeared before the learned Judicial Magistrate No.I, Kumbakonam, on the date, when it was posted for judgment, the petitioner is not entitled for the relief sought for. The petitioner ought to have appeared before the learned Judicial Magistrate No.I, Kumbakonam, on the date when it was posted for judgment and ought to have filed an application for suspending the sentence. The justification of the petitioner that there was some boycott cannot be a ground for not appearing on the date of judgment.

5.Accordingly, these criminal original petitions are dismissed.

02.08.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No
LR



Crl.O.P.(MD) Nos.12459 and 12463 of 2024

To

1.The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
Thanjavur.

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



WEB COPY



Crl.O.P.(MD) Nos.12459 and 12463 of 2024

B.PUGALENDHI, J.

LR

CRL.O.P (MD) Nos.12459 and 12463 of 2024

02.08.2024