



Crl.O.P.(MD)No.13005 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13005 of 2024

B.K.Impex
rep by its Proprietor Kumaravel

... Petitioner

Vs.

1.The Commissioner of Police,
Chennai City.

2.The Assistant Commissioner of Police,
Ashok Nagar,
Chennai City-600083.

3.The Inspector of Police,
R-7, K.K.Nagar Police Station,
K.K.Nagar,
Chennai-78.

4.ES.R.ES Impex
rep by its Proprietor R.Sekar

5.R.Sekar

6.The Inspector of Police,
R-10, MGR Nagar Police Station,
Nesapakkam,
Chennai-78.

... Respondents

(R6 is impleaded vide Court order dated 26.09.2024 in Crl.M.P(MD)No. 9880 of 2024 in Crl.O.P.(MD)No.13005 of 2024)



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents 1 to 3 to execute the non bailable warrant as against the respondents 4 and 5 in connection with S.T.C.No.136 of 2019 on the file of the learned District Munsif cum Judicial Magistrate Court, Thiruvudaimaruthur, Thanjavur District.

For Petitioner : Mr.K.Yasar Arafath

For R1 to R3 & R6 : Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the respondents 1 to 3 to execute the non bailable warrant as against the respondents 4 and 5 in connection with S.T.C.No.136 of 2019 on the file of the learned District Munsif cum Judicial Magistrate Court, Thiruvudaimaruthur, Thanjavur District.

2. It is seen from the records that the fourth respondent herein has earlier filed a petition in Crl.O.P.(MD)No.11390 of 2022 seeking orders for setting aside the order passed by the Principal District and Sessions Judge, Thanjavur in Cr.R.P.Sr.No.3326 of 2022 dated 06.04.2022 and a learned Judge of this Court has passed an order dated 11.10.2022



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directing the fourth respondent herein to appear before the concerned Court and the concerned Court was directed to pronounce the judgment on appearance of the accused and in case, if the accused fails to appear before the learned trial Judge, Non Bailable Warrant has to be issued against him and the respondent police has to be directed to secure the accused.

3. The learned counsel appearing for the petitioner would submit that despite specific directions given by this Court, the accused has not turned up before the trial Court and hence, warrant came to be issued on 11.11.2022 and that though the same was sent to the jurisdictional police, the same was not executed.

4. When the matter was taken up for hearing earlier, the learned Additional Public Prosecutor submitted that the jurisdictional police is R-10, MGR Nagar Police Station, Nesapakkam, Chennai and accordingly, amendment petition was ordered.

5. Considering the above facts and circumstances and also taking



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note of the order passed by this Court in Crl.O.P.(MD)No.11390 of 2022, the sixth respondent is directed to take necessary steps for executing the warrant at an earlier date and to produce the accused before the jurisdictional Court within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition stands disposed of.

26.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

1.The Commissioner of Police,
Chennai City.

2.The Assistant Commissioner of Police,
Ashok Nagar,
Chennai City-600083.

3.The Inspector of Police,
R-7, K.K.Nagar Police Station,
K.K.Nagar,
Chennai-78.



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4.The Inspector of Police,
R-10, MGR Nagar Police Station,
Nesapakkam,
Chennai-78.

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



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.13005 of 2024

Dated: 26.09.2024