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Crl.O.P.No.9559 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9559 of 2025

S.Kennady

... Petitioner

Vs

1. K.Ganesh Pani

2. The Inspector of Police,
J-8, Neelangarai Police Station,
Saraswathi Nagar, Neelankarai,
Chennai – 600115.

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.N.S., to direct the second respondent Police to execute the Convict Warrant dated 04.01.2025 issued in C.C.No.1966 of 2018 with reference Dis No.10157/2024 Con dated 09.01.2025, on the file of the learned Fast Track Court-V, Saidapet, Chennai – 15.

For Petitioner : Mr.G.Saibaba

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side) for R2



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ORDER

This Criminal Original Petition has been filed to direct the second respondent Police to execute the Convict Warrant dated 04.01.2025, issued in C.C.No.1966 of 2018, with reference to Dis No.10157/2024 Con dated 09.01.2025, on the file of the learned Fast Track Court-V, Saidapet, Chennai – 15.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the second respondent and perused the materials placed on record.

3. The petitioner is the complainant and the first respondent is an accused in C.C.No.1966 of 2018 for the offences under Section 138 of the Negotiable Instruments Act (hereinafter referred to as 'the NI Act' for short). After a full-fledged trial, the trial Court convicted the first respondent for the offences punishable under Section 138 of the NI Act and sentenced him under Section 255(ii) of Cr.P.C. to undergo simple imprisonment for a period of six months and to pay a fine of Rs.5,000/-, in default to undergo



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one month simple imprisonment and also awarded compensation to the tune of Rs.9,99,032/-. Aggrieved by the same, the first respondent preferred an appeal in C.A.No.178 of 2022 on the file of the XXII Additional Judge, City Civil Court, Allikulam, Chennai. The appeal was also dismissed, and the order passed by the Trial Court in C.C.No.1966 of 2018 was confirmed. Even then, the first respondent did not surrender before the Trial Court, and as such, the Trial Court issued an Arrest Warrant against the first respondent and it is pending on the file of the second respondent.

4. In view of the above, the second respondent is directed to execute the Arrest Warrant against the first respondent in C.C.No.1966 of 2018, with reference to Dis No.10157 of 2024 Con dated 09.01.2025, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish the correct address of the first respondent and co-operate while executing the Arrest Warrant.



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5. With the above observations, this Criminal Original Petition is disposed of.

01.04.2025

Index: Yes/No
Neutral Citation/Yes/No
kv

To

1. The Inspector of Police,
J-8, Neelangarai Police Station,
Saraswathi Nagar, Neelankarai,
Chennai – 600115.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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