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Crl.O.P.No.12799 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12799 of 2025

S.Suresh

... Petitioner

Vs

1. State,
Represented by the Superintendent of Police,
Salem District, Salem – 606002.
2. The Inspector of Police,
Thammampatty Circle Police Station,
Thammampatty, Salem District – 636113.
3. The Sub-Inspector of Police,
Mallikarai Police Station,
Salem District – 636107.
4. Prabhakaran

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.S.S., to direct the first to third respondents to execute the Non-Bailable Warrant by securing the fourth respondent before the Judicial Magistrate Court, Fast Track Court at Poonamallee to serve the sentence on the fourth respondent, vide judgement dated 12.01.2023 passed in S.T.C.No.608 of 2019.

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For Petitioner : Mr.V.Vijayakumar

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side)
(for R1 to R3)

O R D E R

This petition has been filed to direct the first to third respondents to execute the Non-Bailable Warrant by securing the fourth respondent before the Judicial Magistrate Court, Fast Track Court at Poonamallee to serve the sentence on the fourth respondent, vide judgement dated 12.01.2023 passed in S.T.C.No.608 of 2019.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first to third respondents and perused the materials available on record.

3. The petitioner is the complainant and the fourth respondent is an accuse in S.T.C.No.608 of 2019. After full-fledged trial, the Trial Court convicted the petitioners for the offences punishable under Section 138 of



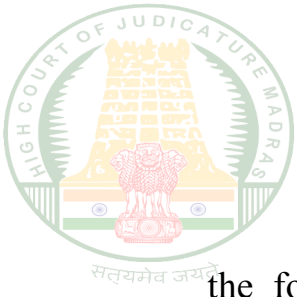
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the NI Act and sentenced the first and second petitioner under Section 255(ii) of Cr.P.C. to undergo simple imprisonment for a period of six months and awarded compensation to the tune of Rs.5,00,000/- within two months, in default to undergo two weeks simple imprisonment and the third petitioner sentenced to pay a fine of Rs.10,000/-. Thereafter, the petitioners preferred an appeal as against the said order of conviction before the learned Principal Sessions Court, Dharmapuri without payment of fine. However, the Appellate Court insisted for production of fine receipt

fourth respondent did not prefer any appeal so far, and he also failed to comply with the order passed by the trial Court and did not surrender so far. Therefore, the petitioner filed a petition to issue a Non-Bailable Warrant against the fourth respondent, and it is pending before the Trial Court.

4. In view of the above, the second respondent is directed to execute the Non-Bailable Warrant against the fourth respondent in STC No.608 of 2019 within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish the correct address of



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the fourth respondent and co-operate while executing the Non-Bailable Warrant.

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

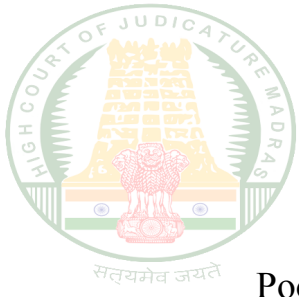
25.04.2025

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

To

1. The Superintendent of Police,
Salem District, Salem – 606002.
2. The Inspector of Police,
Thammampatty Circle Police Station,
Thammampatty, Salem District – 636113.
3. The Sub-Inspector of Police,
Mallikarai Police Station,
Salem District – 636107.
4. The Judicial Magistrate Court, Fast Track Court,

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5. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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