



WEB COPY



CrI.O.P.No.21566 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

CrI.O.P.No.21566 of 2025

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Mr.J.Sakthivel

.. Petitioner

Vs.

1.The Deputy Commissioner of Police,
Greater Chennai Police,
Katchery Road, Mylapore,
Ice House Police Station Limit,
Chennai – 600 004.

2.The Assistant Commissioner of Police,
Ice House Range,
Gauda Mutt Road, Royapeettah,
Chennai – 600 014.

3.The Inspector of Police,
D3 Ice House Police Station,
Dr.Natesan Road, Mirsahib Market Triplicane,
Chennai – 600 005.

4.M.Karthikeyan

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents to execute the Non-Bailable Warrant issued in S.T.C.No.4893 of 2023, dated 07.10.2024 by the Metropolitan Magistrate, FTC-II, Egmore, Chennai and (produce the accused before the said Court)



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For petitioner : Mr.S.Mohamed Dhurabudeen

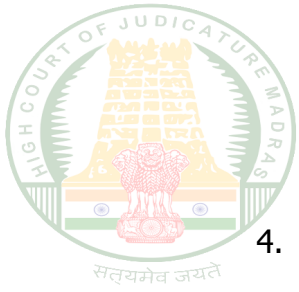
For respondents: Dr.C.E.Pratap
Government Advocate (Criminal Side)
for R1 to R3

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to execute the non-bailable warrant issued in S.T.C.No.4893 of 2023, dated 07.10.2024, by the Metropolitan Magistrate, Fast Track Court-II, Egmore, Chennai, and to produce the accused before the said Court.

2. The case of the petitioner is that he had filed a private complaint under Section 138 of the Negotiable Instruments Act against the fourth respondent/accused in S.T.C.No.4893 of 2023. By judgment dated 08.08.2024, the learned Metropolitan Magistrate found the accused guilty, sentenced him to six months' simple imprisonment, and directed him to pay compensation of Rs.10,00,000/- under Section 357 Cr.P.C.

3. It is stated that the accused failed to comply with the bail conditions and absented himself from further proceedings without any justifiable reason. No appeal was filed against the conviction and sentence. Consequently, on 07.10.2024, a non-bailable warrant was issued to the D3 Ice House Police Station for securing his presence to undergo the sentence.



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4. The grievance of the petitioner is that despite repeated written representations dated 19.05.2025 and follow-ups with the police authorities, including communications addressed to the Deputy Commissioner of Police, the Assistant Commissioner of Police, and the Inspector of Police, no action has been taken to execute the warrant.

5. The learned Government Advocate (Criminal Side) submits that the accused has absconded and that his present whereabouts are not known.

6. Upon consideration of the submissions and the materials on record, it is evident that the conviction has attained finality and that the sentence imposed by the learned Trial Court remains unexecuted solely due to the failure of the authorities to secure the accused. The execution of a sentence, once a conviction has become final, is not a matter of discretion but a statutory obligation of the law enforcement authorities.

7. In such circumstances, the respondent police are directed to take immediate and effective steps to execute the non-bailable warrant issued in S.T.C.No.4893 of 2023 on 07.10.2024 by the Metropolitan Magistrate, FTC-II, Egmore, Chennai, and to produce the accused before the said Court within a period of ten (10) days from the date of receipt of a copy of this order. Compliance shall be reported to the learned Magistrate without fail.



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

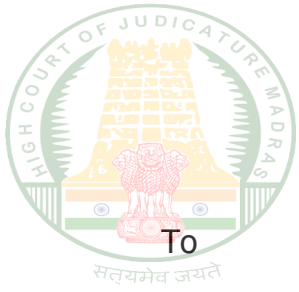
01.08.2025

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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- 4.The Metropolitan Magistrate, FTC-II, Egmore, Chennai.
5. The Public Prosecutor, Madras High Court, Chennai.



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