



Crl.O.P.No. 16519 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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S.A.Saddam Hussain

... Petitioner

Vs.

1.The State rep by
The Inspector of Police,
Neelangarai, Police Station,
Chengalpattu District.

2.B.A.Nambi

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the first respondent to execute the Non-Bailable Warrant issued on 20.02.2023 in C.C.No.407 of 2018 by the learned Judicial Magistrate, FTC, (Magisterial Level), Alandur, Chennai within the time frame.

For Petitioner : Mr.G.Magesh Kumar



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For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (crl.side)
for R1.

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent to execute the Non-Bailable Warrant issued on 20.02.2023 in C.C. No. 407 of 2018 by the learned Judicial Magistrate, FTC, (Magisterial Level), Alandur, Chennai.

2. The petitioner is the complainant and the second respondent is the accused in the complaint lodged by the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881. After receipt of notices from the Trial Court, the second respondent failed to appear before the Trial Court and the Trial Court issued a Non-Bailable Warrant on 20.02.2023. The warrant is currently pending on the file of the first respondent. However, the first respondent has not executed the warrant as of now.



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3. The learned Government Advocate (Crl. Side) submitted that the second respondent has not provided any address, and as such, the first respondent is unable to execute the Non-Bailable Warrant against the second respondent.

4. The learned counsel for the petitioner submitted that the second respondent was arrested and remanded to judicial custody in another case. Information regarding this was furnished to the first respondent, but no action has been taken by the first respondent.

5. In view of the above, the first respondent is hereby directed to execute the Non-Bailable Warrant issued against the second respondent in C.C. No. 407 of 2018, on the file of the learned Judicial Magistrate, FTC, (Magisterial Level), Alandur, Chennai, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish the correct address of the second respondent and to cooperate with the first respondent in the execution of the Non-Bailable Warrant against the second respondent.



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6. Within the above directions, this Criminal Original Petition is disposed of.

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Neutral citation : Yes/No
Speaking/non-speaking order
shk



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To

1. Judicial Magistrate, FTC, (Magisterial Level), Alandur, Chennai.
2. The Inspector of Police,
Neelangarai, Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

shk

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