



Crl.O.P.No.17856 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE Mr. JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.17856 of 2024

M/s.Sree Krishna Food Products
Rep. by its Proprietor K.Natarajn
No.533, Palamara Thottam
Pothiyampalayam, Vadugampalayam
S.S.Kulam, Annoor
Coimbatore 600 107

... Petitioner

Vs.

1.G.Dhanasekaran

2.The Commissioner of Police
Salem City, Salem

3.The Superintendent of Police
Salem District, Salem

4.The Deputy Superintendent of Police
B-1, Town Police Station, Salem

5.The Inspector of Police
B-1, Town Police Station, Salem

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent 2 to 5 to execute the warrant made in D.No.604 of 2019 dated 22.02.2019 to the 1st respondent to comply the judgment made in C.C.No.631 of 2017 dated 18.02.2019 on the file of the learned Judicial Magistrate, FTC at



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Magisterial Level-II, Coimbatore and produce the 1st respondent/accused Dhanasekaran before the learned Magistrate, consequently execute the sentence of imprisonment.

For Petitioner : Mr.T.Padmanabhan
For Respondents : Mr.B.Vasudevan
For RR2 to 5 : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed for a direction to the 5th respondent to execute the Non-Bailable Warrant (NBW) issued as against the 1st respondent, pursuant to the order of conviction passed by the learned Judicial Magistrate No.II (Fast Track Court Magisterial Level-II), Coimbatore, on 18.02.2019 in C.C.No.631/2017 for the offences punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. After a full-fledged trial, the trial Court convicted the petitioner for the offence punishable under Section 138 of NI Act and sentenced him to undergo 6 months simple imprisonment and also awarded compensation to the tune of cheque amount. Thereafter, the 1st respondent neither preferred any appeal nor complied with the order passed by the trial Court. Therefore, the trial Court has



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issued NBW as against the 1st respondent and it is pending on the file of the 5th respondent.

3. The learned counsel appearing for the 1st respondent submitted that the 1st respondent is a street vendor and that, he had settled substantial amount. Since the 1st respondent had to settle only part of the amount to the petitioner, the learned counsel seeks further six months' time to settle the entire amount.

4. In view of the above, the 5th respondent is directed to keep the NBW issued as against the 1st respondent inabeyance for a period of four months from today and if the 1st respondent fails to repay the entire compensation amount as ordered by the trial Court, the 5th respondent is directed to execute the NBW issued as against the 1st respondent within a period of 12 weeks thereafter.

With the above direction, this criminal original petition is disposed of.

07.02.2025

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G.K. ILANTHIRAIYAN, J.



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WEB COPY

1.The Commissioner of Police
Salem City, Salem

2.The Superintendent of Police
Salem District, Salem

3.The Deputy Superintendent of Police
B-1, Town Police Station, Salem

4.The Inspector of Police
B-1, Town Police Station, Salem

5.The Public Prosecutor
High Court, Madras

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