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Crl.O.P.No.21604 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2025

Coram:

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

Crl.O.P.No.21604 of 2025

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M/s.MVM Builders and Promoters,
Rep. by its Proprietor,
Mr.B.Lakshmi Narasimhan,
S/o.Mr.V.G.Babu Rao,
Having Office at No.25,
Thiruvvasagam 2nd Street,
Sri Balaji Nagar, Pattabiram,
Chennai - 600 072.

.. Petitioner

Vs.

1.The State represented by
The Inspector of Police,
V-3, J.J.Nagar Police Station,
Mogappair,
Chennai – 600 037.

2.M/s.Shreepavi Constructions,
Represented by its Proprietor,
Mr.S.Aalaghesan,
S/o.K.Shanmugam,
No.5/451, Pari Road Mogappair East,
Chennai – 600 037.

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent Police to execute the Non bailable warrant issued by Fast Track Court, Magisterial Level at Tiruvallur in S.T.C.No.117 of 2016, dated 22.04.2025.



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For petitioner : Mr.S.Thiruvengadam

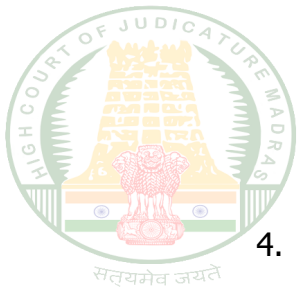
For respondents : Dr.C.E.Pratap
Government Advocate (Criminal Side) for R1

ORDER

This Criminal Original Petition has been filed seeking a direction to the 1st Respondent police to execute the non-bailable warrant issued by the learned Fast Track Court, Magisterial Level, Tiruvallur, in S.T.C.No.117 of 2016 against the 2nd Respondent/Accused.

2. The factual matrix as projected by the Petitioner is that he had filed S.T.C.Nos.114 to 118 of 2016 before the Fast Track Court, Magisterial Level, Tiruvallur, for offences punishable under Section 138 of the Negotiable Instruments Act. By judgment dated 30.07.2018, the trial Court convicted the 2nd Respondent and sentenced him to undergo imprisonment for one year and six months, besides directing payment of compensation equivalent to the cheque amounts.

3. The conviction and sentence were confirmed by the I Additional Sessions Judge, Tiruvallur, in C.A.Nos.141 to 145 of 2018, by judgment dated 28.10.2021. The revision petitions in Crl.R.C.Nos.1077 to 1081 of 2021 before this Court were also dismissed, and the Special Leave Petitions in S.L.P.(Crl.)Nos.11612 to 11617 of 2024 were rejected by the Hon'ble Supreme Court.



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4. The grievance of the Petitioner is that despite the conviction attaining finality, the sentence has not been executed. On his application, the learned Trial Court issued a non-bailable warrant against the 2nd Respondent. Initially, the warrant was sent to Nolambur Police Station, but was returned citing jurisdictional bifurcation. Thereafter, the warrant was forwarded to the 1st Respondent police, within whose jurisdiction the 2nd Respondent resides.

5. The Petitioner submits that, notwithstanding repeated approaches and even a representation dated 09.07.2025 (acknowledged by the 1st respondent on 12.07.2025), no effective steps have been taken to secure the accused, who is wilfully evading arrest. It is stated that the 2nd Respondent owes an amount of Rs.50,00,000/- and has been absconding since the dismissal of his SLP.

6. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) submitted that the accused is absconding and his whereabouts are not presently known.

7. 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 due to the failure of the authorities to secure the accused. The execution of a sentence, once a conviction has attained finality, is not a matter of discretion but a statutory duty of the law



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enforcement authorities. In these circumstances, this Court is of the considered view that an immediate direction is warranted to ensure execution of the non-bailable warrant without any further delay.

8. Accordingly, the first respondent police is directed to take all necessary and effective steps to execute the non-bailable warrant issued by the Fast Track Court, Magisterial Level, Tiruvallur, in S.T.C.No.117 of 2016, dated 22.04.2025, against the 2nd Respondent/Accused, and secure him to undergo the sentence imposed. Such execution shall be completed within a period of ten (10) days from the date of receipt of a copy of this order, and a compliance report shall be filed before the learned Trial Court immediately thereafter.

9. With the above direction, the Criminal Original Petition is disposed of.

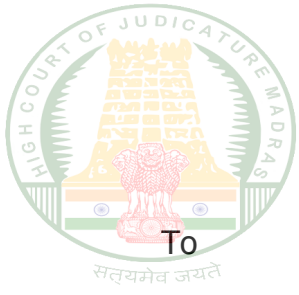
01.08.2025

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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To

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- 1.The Fast Track Court, Magisterial Level at Tiruvallur
- 2.The Inspector of Police,
V-3, J.J.Nagar Police Station,
Mogappair, Chennai – 600 037.
- 3.The Public Prosecutor, Madras High Court, Chennai.



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