



Crl.O.P.No.23463 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.23463 of 2025

M. Gagan Bothra

... Petitioner

Vs.

1. Garima Maheshwari

2. Vittal Maheshwari

3. The Inspector of Police,
R-8, Vadapalani Police Station,
Vadapalani, Chennai – 600 026.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to direct the third respondent to execute the warrant issued by the learned Fast Track Court – 4 at George Town, Chennai in C.C.No.3806 of 2013 and to secure the 1st and 2nd respondent / 1st and 2nd accused within a stipulated time frame and thus render justice.

For Petitioner : Mr. M. Gagan Bothra (Party-in-Person)

For R3 : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The Criminal Original Petition has been seeking a direction to the third respondent to execute the warrant issued by the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, against the



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first and the second respondents in C.C.No.3806 of 2013.

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2. Heard the petitioner (Party-in-Person) and the learned Government Advocate (Criminal Side) appearing for the third respondent.

3. The grievance of the petitioner is that he had instituted a case against the first and the second respondents/accused before the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, for the offence under Section 138 of Negotiable Instruments Act, in C.C.No.3806 of 2013. The trial Court, on 29.05.2025, found the accused/first and second respondents guilty, convicted them and sentenced them to undergo eight months of simple imprisonment and directed them to pay the cheque amount of Rs.15 lakhs as compensation, in default to undergo two months of simple imprisonment and issued non-bailable warrant due to the absence of the accused. However, despite the issuance of the warrant against the accused, till date, neither have the accused surrendered nor have the respondent Police secured them. Hence, the present petition has been filed.

4. Learned Government Advocate (Criminal Side) appearing for the



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third respondent, on instructions, submitted that the accused were not residing at the given address, however, the third respondent Police are making efforts to trace their whereabouts and will execute the warrant at the earliest.

5. Recording the submission made by the learned Government Advocate (Criminal Side), the Criminal Original Petition stands disposed of. However, if the petitioner is able to give the address of the accused to the third respondent Police, it is duty of the respondent Police to execute the warrant issued by the trial Court without any delay.

25.08.2025

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Neutral Citation: Yes/No

To

1. The Inspector of Police,
R-8, Vadapalani Police Station,
Vadapalani, Chennai – 600 026.
2. The Public Prosecutor,
High Court of Madras.

N. SATHISH KUMAR, J.

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