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CrI.O.P.No.24817 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.24817 of 2025

M.Sivakumar

... Petitioner

Vs.

1. State represented by,
The Sub-Inspector of Police,
EDF-III, Team XXIA, Central Crime Branch,
Vepery, Chennai – 600 007.

2. Kannan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to direct the first respondent to execute the Non-Bailable Warrant issued against the second respondent as per the adjudication order dated 04.08.2025 in CrI.M.P.No.7078 of 2025 on the file of the Metropolitan Magistrate exclusively for trial of CCB cases (cheating) & CBCID (metro cases), Egmore, Chennai.

For Petitioner : Mr.K.Suresh Babu

For R1 : Mr.R.Vinothraja
Government Advocate (Criminal Side)



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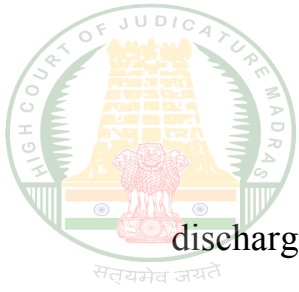
ORDER

The Criminal Original Petition has been filed seeking for a direction to the first respondent to execute the Nonailable warrant issued against the second respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent and perused the materials available on record.

3. On perusal of the records, it is seen that though the petitioner was not named as an accused in Crime No.90 of 2021, he was arrested by the first respondent Police on 28.01.2022. The Principal Sessions Court, while granting bail to the petitioner on 04.02.2022 in Crl.M.P.No.707 of 2022, directed him to deposit a sum of Rs.28 lakhs. Thereafter, it appears that the de facto complainant withdrew the amount.

4. After completion of the investigation, the case was taken cognizance in C.C.No.6662 of 2022 and finding that there were no materials against the petitioner, the trial Court, by order dated 12.08.2024,



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discharged him from all the offences in C.C.No.6662 of 2022.

Consequently, the petitioner sought return of the money by filing a petition under 498 of BNSS in Crl.M.P.No.68998 of 2024 which was allowed on 16.12.2024.

5. Since the de facto complainant was neither present nor produced any stay order, a warrant was issued against him. At this stage, it is now stated that the de facto complainant/second respondent has filed an anticipatory bail petition before this Court in Crl.O.P.No.24349 of 2025 and this Court, vide order dated 04.09.2025, stayed the execution of the warrant issued against the de facto complainant, on the condition that he deposit a sum of Rs.28 lakhs before the trial Court on or before 17.09.2025.

6. In view of the above, this Court is of the opinion that in light of the order passed by this Court in Crl.O.P.No.24349 of 2025 dated 04.09.2025, no further direction can be issued until the time stipulated therein expires. However, in the event of the de facto complainant/R2 failing to comply with the order dated 04.09.2025, the respondent Police is directed to execute the warrant pending against the second respondent/de facto complainant.



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WEB COPY 7. Accordingly, the Criminal Original Petition stands disposed of with the above directions.

11.09.2025

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Neutral Citation: Yes/No

To

1. The Metropolitan Magistrate for exclusive trial of CCB (cheating) & CBCID (metro) cases , Egmore, Chennai.
2. The Sub-Inspector of Police, EDF-III, Team XXIA, Central Crime Branch, Vepery, Chennai – 600 007.
3. The Public Prosecutor, High Court of Madras.



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N. SATHISH KUMAR, J.
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