



Crl.O.P.No.32283 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.01.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.32283 of 2024

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R.Balamurugan

.. Petitioner

Vs.

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
The District Police Office,
Nethimedu, Salem District.

2. Pappal, w/o Manickam

.. Respondents

Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to direct the first respondent to execute the non-bailable warrant issued in C.C.No.832 of 2023 on the file of the Judicial Magistrate No.6, Salem, against the second respondent/third accused, dated 28.02.2024.

For petitioner : Mr.B.Gopalakrishnan

For respondent: Mr.S.Sugendran, Addl.P.P.

ORDER

The present petition has been filed to direct the first respondent to execute the non-bailable warrant issued in C.C.No.832 of 2023 on the file of the Judicial Magistrate No.6, Salem, against the second respondent/third accused, dated 28.02.2024.

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2. When this petition is taken up for hearing yesterday, the learned Additional Public Prosecutor appearing for the first respondent submitted that the second respondent/A3 was in a bed-ridden condition and therefore, the Police are unable to execute the warrant physically. They have expressed their difficulties in executing the warrant.

3. Learned counsel for the petitioner sought adjournment to today and after ascertaining the present position, the learned counsel for the petitioner seeks that a direction may be issued to the concerned Magistrate to dispose of the case within stipulated time.

4. Considering the above submission of the learned counsel for the petitioner, the Judicial Magistrate No.6, Salem is directed to recall the warrant issued against the second respondent/A3 and the personal appearance of the second respondent/A3 is dispensed with and the learned Magistrate is directed to prosecute the case in accordance with law, after giving an opportunity of hearing to all concerned. If possible, the second respondent/A3 shall appear through video-conferencing and in case the petitioner is ready to make such arrangement, the Judicial Magistrate No.6, Salem is directed to give opportunity to all the parties and proceed with the case further in accordance with law, and dispose of the case within three months from today.

5. With the above observations and direction, this petition is disposed of.

03.01.2025

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To

1. The Inspector of Police,

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Anti Land Grabbing Special Cell,
The District Police Office,
Nethimedu, Salem District.



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2. The Public Prosecutor, High Court, Madras.

P.VELMURUGAN, J

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