



Crl.O.P.(MD)No.1553 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1553 of 2025

Pandiyan

.. Petitioner

Vs.

1.S.Selvaraj

2.The Superintendent of Police,
Dindigul District, Dindigul.

3.The State of Tamil Nadu,
Rep by the Inspector of Police,
Dindigul Town Police Station,
Dindigul District.

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to issue appropriate direction to the second and third respondents to execute NBW pending and consequently directing the learned Judicial Magistrate Nilakkottai to expedite the trial in C.C.No.46 of 2020 within the time frame fixed by this Court.

For Petitioners : Mr.S.Vishnuvardhan
for Mr.R.Anandha Raj

For Respondents : Mr.K.Sanjai Gandhi
No.2 & 3 Government Advocate(Crl.Side)



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ORDER

The petitioner as a complainant had filed a case under Section 138 of the Negotiable Instrument Act against the respondent in C.C.No.46 of 2020.

2.The contention of the petitioner is that the first respondent is finding all dilatory tactics to protract the proceedings and delay the case. In this case, initially, the case was kept pending for service of notice and thereafter, for questioning from 17.12.2021 to 18.02.2022. The warrant was issued on 22.04.2022. Thereafter, the case has been periodically adjourned for execution of the non bailable warrant. The petitioner is taking all earnest steps to execute the warrant. The first respondent is very much available in Dindigul and he is carrying on with his normal work. The first respondent is the retired bank Manager and he is receiving his pension. However, the third respondent is giving one reason or other for not serving of warrant.



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3.The learned Additional Public Prosecutor appearing for the respondent police submitted that as regards the third respondent, the third respondent is yet to receive the copy of the NBW issued by the Court against the first respondent. As and when such warrant is issued, the third respondent will immediately take necessary action to secure the third respondent to produce him before the trial Court.

4.The learned counsel for the petitioner submits that the trial Court is not issuing another NBW, since the earlier warrant issued in the year 2022 has not reached the Court till date.

5.Considering the submission and perusal of the material, it is seen that in this case, NBW is pending for years together without any progress. Now the third respondent states that he has not received any non warrant. In view of the same, the petitioner is directed to file an application before the trial court to grant a fresh nonailable warrant to the petitioner. Thereafter, the petitioner is directed to submit the same to the third respondent and the third respondent to take effective steps to secure the first respondent and to produce him before the trial Court and the trial



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Court thereafter is directed to conclude the trial without any further delay.

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6. With the above direction, this petition is dismissed. The trial Court is directed to complete the process of trial within a period of three months from the date of receipt of a copy of this order.

28.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate Nilakkottai
2. The Superintendent of Police,
Dindigul District, Dindigul.
3. The Inspector of Police,
Dindigul Town Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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