



Crl.O.P.(MD)No.15338 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.09.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15338 of 2025

K.K.Krishna dhas

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

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... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 1st respondent to execute the warrant dated 09.05.2025 despatched to the first Respondent as per D.No.791/2025 passed in S.T.C.No.69 of 2020 on the file of the Judicial Magistrate, Fast Track Court (Magistrate Level), Nagercoil within a time stipulated by this Court.

For Petitioner : Mr.R.Murugan

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.Sailendrababu



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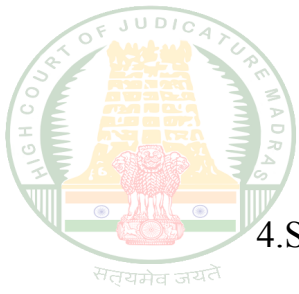
ORDER

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The petitioner sought for a direction to the first respondent to execute the warrant said to have been issued for the second respondent herein, who is an accused in S.T.C.No.69 of 2020, on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Nagercoil.

2.According to the petitioner, the trial Court convicted the second respondent by judgment dated 21.03.2025 in S.T.C.No.69 of 2020 and sentenced him to simple imprisonment for six months and to pay a compensation of Rs.7,50,000/- and since the second respondent did not appear on the date of judgment, a warrant was issued to secure him and that inspite of the petitioner's representation, the first respondent has not taken any action.

3.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would submit that the warrant was returned to the learned Judicial Magistre, since the second respondent had filed an appeal against the judgment in Criminal Appeal No.133 of 2025 and also filed a petition to suspend the sentence in Crl.M.P.No.2617 of 2025.



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4.Since the second respondent had already filed an appeal, the warrant issued by the trial court cannot be executed as rightly observed by the first respondent.

5.In view of the same, this Criminal Original Petition is dismissed.

16.09.2025

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

- 1.The Judicial Magistrate,
Fast Track Court (Magistrate Level),
Nagercoil.
- 2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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