



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.O.P(MD).No.22762 of 2024

N.Shankar

... Petitioner

Vs

1. The Superintendent of Police,
Karur,
Karur District.

2. The Inspector of Police,
Thiru Vi.Ka.Nagar Police Station,
Sathayanarayana Street,
Chennai - 600 011.

3. Tajun Fazul

... Respondents

Prayer: Criminal Original Petition filed under section 528 of BNSS to direct the respondents 1 and 2 to execute the bailable warrant, dated 30.09.2019 issued against the 3rd respondent pertaining to the case in STC.No.3410 of 2023 on the file of Judicial Magistrate No.II, Karur.

For Petitioner : Mr. Samuel Gunasingh.P

For Respondent : Mr.K.Sanjai Gandhi (R1,R2)
Government Advocate (Crl.Side)

**ORDER**

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This Criminal Original petition has been filed to direct the respondents 1 and 2 to execute theailable warrant, dated 30.09.2019 issued against the 3rd respondent pertaining to the case in STC.No.3410 of 2023 on the file of Judicial Magistrate No.II, Karur.

2.It is the contention of the learned counsel for the petitioner/complainant that as against the 3rd respondent a case has been registered under Section 138 of NI Act before the Judicial Magistrate No.I, Karur in C.C.No.173 of 2019. Due to non-appearance of the 3rd respondent, aailable warrant has been issued on 30.09.2019. The petitioner has taken steps to execute the warrant through the 2nd respondent of Police. However, there is no progress on the side of the 2nd respondent Police. In the meanwhile, the case has been transferred to Judicial Magistrate No.II, Karur and renumbered as STC No.3410 of 2023. Due to non-execution of warrant, the case is kept pending without any progress. The purpose of filing of cases under NI Act would get defeated due to pendency of cases without any progress.

3.The learned Government Advocate (Crl.Side) would submit

that due to Covid-19 lock down and subsequent events, the respondent



Police lost track of communication sent from the Judicial Magistrate No.I, Karur. Now the case has been transferred to the Judicial Magistrate No.II, Karur and renumbered as STC No.3410 of 2023. Hence, the petitioner can very well file a process application afresh for execution of bailable warrant by the 2nd respondent.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents 1 and 2.

5.Considering the facts and circumstances of the case, the petitioner is directed to approach the Judicial Magistrate No.II, Karur and file a process application afresh in S.T.C.No.3410 of 2023 and the second respondent shall ensure the execution of the same without any further delay.

6.With the above direction, this Criminal Original Petition stands disposed of.

02.01.2025

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order

PNM



To

1. The Superintendent of Police,
Karur,
Karur District.

2. The Inspector of Police,
Thiru Vi.Ka.Nagar Police Station,
Sathayanarayana Street,
Chennai - 600 011.

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai



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M. NIRMAL KUMAR, J.

PNM

ORDER IN
Crl.O.P(MD) No. 22762 of 2024

02.01.2025