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CRL OP No. 7263 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 7263 of 2026

N.R.Aswin

..Petitioner(s)

Vs

1. The State Rep.by, The Inspector of Police,
B5, Walajabad Police Station,
Kanchipuram District.
2. Gayathri

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, pleased to direct the 1st Respondent to execute the conviction warrant issued by the learned District Munsif cum Judicial Magistrate Court at Uthiramerur based on the direction of the learned Principal District Sessions Judge, Kancheepuram in the dismissal of CrI.A.No.5/2017 on 21.07.2024 upholding the conviction and sentence passed in STC.No.470/2015 on 31.01.2017.

For Petitioner(s):

Mr.K.Madhan

For Respondent(s):

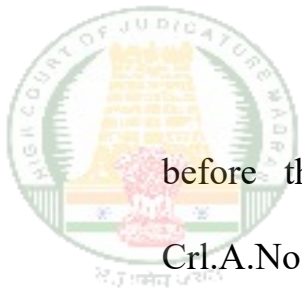
M/S. Leonard Arul Joseph Selvam

Additional Public Prosecutor

Assisted By M/s.Harshana.T For R1

ORDER

The petitioner, as the complainant filed a case under Section 138 of the Negotiable Instruments Act against the second respondent in S.T.C.No.470 of 2015. By a judgement dated 31.01.2017, the trial Court convicted the second respondent and sentenced her to undergo one year of simple imprisonment. Aggrieved by the conviction, the second respondent preferred an Appeal



before the learned Principal District Sessions Judge, Kancheepuram, in Crl.A.No.5 of 2017. The learned Sessions Judge, by a judgement dated 21.06.2024 dismissed the Appeal, thereby confirming the conviction.

2.The learned counsel for the petitioner submitted that following the confirmation of the conviction, the second respondent did not file a revision petition; therefore, the judgment of the trial Court has attained finality. The petitioner took steps through the trial Court to execute the conviction warrant against the second respondent. However, the second respondent became untraceable. It is alleged that the first respondent has not taken proper steps to secure her. Hence,the present petition is filed.

3.The Additional Public Prosecutor produced a report of the first respondent dated 04.04.2026, narrating the efforts to trace the second respondent. One Prabhu, a resident of same village was examined to find out the whereabouts of the second respondent informed the authorities that the second respondent has not seen for the past one year. Furthermore, one Dharmaraj who is running provisional shop was examined and stated that the second respondent has taken a loan from Union Bank of India became defaulter and property was brought in auction. One Abdul Rahman was also enquired who confirmed that he purchased the property in a public auction for Rs.66,00,000/- on 12.02.2026. Despite these efforts, all attempts to trace her have failed. He



further submitted that the Village Administrative Officer also submitted a report stating that the second respondent is no longer in the village and remains untraceable. The sale certificate from Union Bank of India also collected. Consequently, the conviction warrant could not be executed and was resubmitted to the learned District Munsif Cum Judicial Magistrate, Uthiramerur on 14.03.2025 in D.No.239/2025.

4.Considered the submissions and perused the materials available on record.

5.It is evident that the first respondent has taken all earnest steps to secure the second respondent, but she remains untraceable. It is now for the petitioner to find out the private details and current whereabouts of second respondent. If such information is provided, the first respondent shall move the Court for the issuance of a fresh warrant to secure the second respondent so she may undergo the sentence imposed. Accordingly, the present Criminal Original Petition stands disposed of.

21-04-2026

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M.NIRMAL KUMAR, J.

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To

1. The District Munsif Cum Judicial Magistrate,
Uthiramerur.
2. The Principal District Sessions Judge,
Kancheepuram.
3. The Inspector of Police,
B5, Walajabad Police Station,
Kanchipuram District.
4. The Public Prosecutor
High Court of Madras.

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