



CRL OP(MD), No.7617 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **20.04.2026**

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL OP(MD)No.7617 of 2026

S.Prem Kumar

... Petitioner

Vs

1.The Superintendent of Police,
S.P. Office,
Ramanathapuram District.

2.The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.
Crime No.54 of 2013

3.Kalidass

... Respondents

Prayer: Petition filed under Section 528 of BNSS, to direct the respondent Police (2nd respondent) immediately execute the NBW dated 25.10.2025 issued by the Judicial Magistrate Court, Paramakudi in restored case in C.C.No.128 of 2017 also take the custody of the third respondent / accused, then inform this Court within a fixed time frame that the NBW has been duly executed.



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For Petitioner : Mr.S.Prem Kumar (Party-in-person)

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
for R1 & R2

ORDER

The petitioner is the defacto complainant in C.C.No.128 of 2017 on the file of the Judicial Magistrate Court, Paramakudi. Though the case has ended in conviction, the learned Principal District and Sessions Judge, Ramanathapuram, while dealing with the appeals preferred by the third respondent / accused and this petitioner / defacto complainant, found that the charges have not been properly framed, remanded the matter for fresh consideration by the Trial Court. The petitioner has now approached this Court that the third respondent / accused is not appearing before the Trial Court and is evading the Trial proceedings.

2. According to the party-in-person / defacto complainant, the Trial Court has issued a NBW on 25.10.2025 and the same is yet to be executed by the respondent Police.



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3. The learned Government Advocate (Crl. Side) appearing for the respondent Police submits that the respondent Police is searching for the third respondent / accused. However, due to work pressure and due to election, they are not in a position to execute the warrant. However, he submits that the warrant will be executed within a period of one month.

4. In reply, party-in-person submits that the accused is very much available in his house and the respondent Police for the reasons best known to them have not executed the warrant for the past six months.

5. The case is of the year 2017 and it is still pending pursuant to the orders of the learned Principal District and Sessions Judge, Ramanathapuram, dated 18.11.2021. The accused / third respondent was found guilty and convicted by the Trial Court. However, learned Principal District and Sessions Judge found that the petitioner / party-in-person / defacto complainant suffered severe injuries and charges have not been framed to that effect and remanded the matter for fresh consideration. Thereafter, the accused is absconding and the respondent Police has not executed the NBW.



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6. In view of the above circumstances, the first respondent / Superintendent of Police is directed to ensure that the warrant pending against the accused in C.C.No.128 of 2017 on the file of the learned Judicial Magistrate, Paramakudi is executed on or before 20.05.2026.

7. With the above direction, this Criminal Original Petition is allowed.

20.04.2026

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To

1.The learned Judicial Magistrate,
Paramakudi.

2.The Superintendent of Police,
S.P. Office,
Ramanathapuram District.

3.The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.

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

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B.PUGALENDHI, J.

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