



**R.O.C.No.58368/2018/F1**

**P.Dis. 151/2018**  
**Dated: 28.08.2018**

From

M.Jothiraman, B.Sc., M.L.,  
Registrar (Judicial),  
High Court,  
Madras-104.

To

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Sir,

Sub: High Court, Madras at Madurai Bench - Order in Crl.O.P.(MD) Nos.11139 & 12238/2018 and 13975/2017, dated 27.07.2018 - Certain directions issued to the Registry - Submitted - Ordered to communicate the same to the entire Subordinate Judiciary - Communicated - Reg.

Ref: Order in Crl.O.P.(MD) Nos.11139 & 12238/2018 and 13975/2017, dated 27.07.2018 on the file of High Court, Madras at Madurai Bench.

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As directed, I am to forward herewith the order in Crl.O.P.(MD) Nos.11139 & 12238/2018 and 13975/2017, dated 27.07.2018, for complying with the directions contained in the order.

Yours faithfully,

**REGISTRAR (JUDICIAL)**

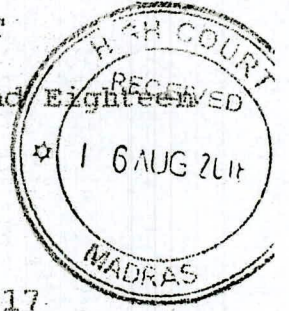
To

1. All the Principal District Judges/District Judges in the State of Tamil Nadu. } with a request
2. The Principal Judge, City Civil Court, Chennai. } to communicate the enclosed order
3. The Chief Judge, Court of Small Causes, Chennai. } to all the courts under your
4. The District Judge-cum-Chief Judicial Magistrate, The Nilgiris. } control.
5. The Chief Judge, Puducherry. }
6. The Director, Tamil Nadu State Judicial Academy, R.A.Puram, Chennai-28.
7. The Court Manager, High Court, Madras (with a request to communicate the circular to all the Court Managers in Tamil Nadu and Puducherry through e-mode.)
8. The Section Officer, "F" section, Madurai Bench.
9. The Record Keeper, A.D.Records, High Court, Madras & Madurai.



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Twenty Seventh day of July, Two Thousand and



PRESENT

The Hon'ble Mr. Justice D. KRISHNAKUMAR

F  
58368

CRL OP(MD) Nos.11139 ,12238 / 2018 and 13975/2017.

A.V.VIJAYARAGHAVAN	...	PETITIONER in CRL OP(MD) No.11139/2018
V.SHARMILA DEVI	...	PETITIONER in CRL OP(MD) No.12338/2018
JAYASUDHA	...	PETITIONER in CRL OP(MD) No.13975/2017

Vs

1 STATE REP BY  
THE INSPECTOR OF POLICE  
BODINAYAKKANUR RURAL POLICE STATION,  
THENI DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF POLICE,  
BODINAYAKKANUR, THENI DISTRICT.

3 M.SATHYA KALA ... RESPONDENTS IN CRL OP(MD) No.11139/2018

1 S.KANAGAMARY

2 STATE REP. BY  
THE INSPECTOR OF POLICE,  
KODAIKANAL POLICE STATION,  
DINDIGUL ... RESPONDENTS IN CRL OP(MD) No.12338/2018

1 THE SUPERINTENDENT OF POLICE,  
KANYAKUMARI DISTRICT,  
NAGERCOIL.

2 THE INSPECTOR OF POLICE,  
KARUNGAL POLICE STATION,  
KANYAKUMARI DISTRICT.

3 KALAISELVI

4 VISWANATHAN

5 MOSAI

6 CLAURANCE ... RESPONDENTS IN CRL OP(MD) No.13975/2017.

Prayer in CRL OP(MD). 11139/ 2018 :

Criminal Original Petition filed under Section 482 of



Criminal Procedure Code, praying to direct the 1st respondent to execute warrant issued by the Judicial Magistrate Court, Bodinayakanur in C.C.No.198/2014, against the 3rd respondent on 13.11.2017.

Prayer in CRL OP(MD) . 12338/ 2018 :

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the Learned Judicial Magistrate, Kodaikanal to Execute the Bailable Warrant dated 04.04.2017, issued against the 1st Respondent in C.C.No.66 of 2016 on the file of the Learned Judicial Magistrate, Kodaikanal, Dindigul, through the 2nd respondent

Prayer in CRL OP(MD) . 13975/ 2017 :

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the 2nd respondent to execute the long pending warrant dated 28.09.2012 against the respondents 3 to 6 in C.C No. 209/2012 on the file of the Judicial Magistrate, Eraniel Through the 1<sup>st</sup> respondent.

ORDER: These Petitions are coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.V.Vijayaraghavan, Advocate for the Petitioner (IN CRL OP(MD)11139/2018) and Mr.I.Sam Jegan, Advocate for the Petitioner ( IN CRL OP(MD) No.12338/2018) and of Mr.R.Russel Raj, Advocate for the Petitioner (IN CRL OP(MD) No.13975/2017) and of Mr.A.Chellapandian, Additional Advocate General, Assisted by Mr.K.K.Ramakrishnan, Additional Public Prosecutor for the Respondents 1 and 2 in CRL OP(MD)11139/2018, and for the second Respondent in CRL OP(MD) No.12338/2018, and for the Respondents 1 and 2 in CRL OP(MD) No.13975/2017, this Court made the following order:

Pursuant to the order passed by this Court on 16.07.2018, the Principal District Judges of Dindigul, Kanyakumari, Karur, Madurai, Pudukottai, Ramanathapuram, Sivagangai, Thanjavur, Tirunelveli, Trichy, Tuticorin and Virudhunagar Districts have submitted their reports regarding pendency of Non Bailable Warrants issued by various Courts in their respective Districts. Likewise, the Superintendents of Police of the said Districts have also submitted their reports regarding the pending Non Bailable Warrants. However, a comparative study of the reports submitted by the Principal District Judges and the Superintendents of Police of the respective Districts did not tally with each other. For the sake of easy reference, I extract hereunder the reports furnished by the Principal District Judges and the Superintendents of Police of the above said districts:



Sl. No.	Name of the District	No. of NBWs pending as per the report of the PDJ	No. of NBWs pending as per the report of the SP
1	Tiruchirapalli	1130	913 (both city and district)
2	Ramanathapuram	754	215
3	Thoothukudi	1581	793
4	Sivagangai	2177	1952
5	Tirunelveli	1856	1228 (including city and District)
6	Dindigul	2738	732
7	Virudhunagar	674	618
8	Karur	506	662
9	Kanniyakumari	2336	1373
10	Pudukottai	1184	917
11	Madurai	2401	981 (including city and District)
12	Thanjavur	2587	2545
13	Theni	1205	179

2. It is found that Non Bailable Warrants are pending nearly 4 to 6 years, which resulted in increasing number of pendency of Criminal Cases before the concerned Courts.

3. Be that as it may, the situation is quite alarming, since it ultimately affects the disposal of cases by the criminal courts and adding to the pending case numbers. If this situation is allowed to continue, the very object of rendering justice at the earliest possible time, would be defeated.

4. In view of this, by the order dated 25.07.2018, this Court, directed the Additional Advocate General to get instructions from the Director General of Police, Tamil Nadu, Chennai, to nominate the Additional Superintendent of Police of each District to effectively monitor the pendency of Non Bailable Warrants and take all necessary steps to execute the same at the earliest, thus paving way for early disposal of the cases pending before the concerned Courts for years together for want of execution of NBWs.

5. Pursuant to the said direction issued by this Court on 25.07.2018, the Director General of Police, Tamil Nadu, Chennai, by accepting the communication received from the learned Additional Advocate General-III, Madurai Bench of Madras High Court, Madurai, issued a Circular dated 26.07.2018 to all the Inspectors General of Police in Zones and all the Superintendents of Police in Districts, a copy of which has been submitted before this Court today, which reads as under:

*"The Additional Advocate General-III of*



Madurai Bench of Madras High Court in his letter cited has informed that the Hon'ble Mr. Justice D. Krishnakumar, while hearing the matter on NBWs pending in large numbers and issued the following directions:

i) The details about NBW cases should be reviewed by the Assistant Superintendent of Police / Deputy Superintendent of Police in each District once in a week and submit a report to the concerned Inspector General of Police.

ii) The Inspector General of Police should review the matter on the basis of the report submitted by the Assistant Superintendent of Police / Deputy Superintendent of Police.

iii) The Inspector General of Police after reviewing the matter should submit a report to the Director General of Police who will peruse and issue direction.

iv) The Court also directed the Director General of Police to issue a Circular in this connection.

(2) Hence, all the Inspectors General of Police in Zones and Superintendents of Police in Districts are directed to give suitable instructions to all ASPs/DSPs in their Zones and Districts that the directions of the Hon'ble High Court should be followed in letter and spirit without any deviation.

(3) Receipt of the circular memorandum should be acknowledged."

6. It is reported that the said Circular has already been communicated to all the Inspectors General of Police in Zones and the Superintendents of Police of all the Districts. Therefore, in the light of the aforesaid Circular, the Principal District and Sessions Judges of all the Districts, are directed to furnish the particulars relating to pending Non Bailable Warrants, issued by all the Courts in their Districts to the respective Assistant Superintendant of Police/Deputy Superintendent of Police, within a period of six weeks from the date of receipt of a copy of this order. Thereafter, the concerned Assistant Superintendant of Police / Deputy Superintendent of Police, shall submit a report in this regard before the concerned Inspector General of Police for his review and for onward submission of a report to the Director General of Police, Tamil Nadu, Chennai for issuing necessary directions, on a case to case basis.

7. The Director General of Police, Tamil Nadu, Chennai, is



directed to submit a consolidated report before this Court on or before 2<sup>nd</sup> week of September, 2018, with regard to the number of NBWs. executed, number of NBWs.pending execution and the reason therefor along with the steps taken for execution of the Non Bailable Warrants issued by the concerned Courts, on a case to case basis.

Post the matters "for reporting compliance" before me in the 2<sup>nd</sup> week of September, 2018.

Sd/

Assistant Registrar(CS-I)

/True copy/

14.8.2018  
Sub Assistant Registrar(CS-II)

TO

THE DIRECTOR GENERAL OF POLICE,  
MYLAPORE, CHENNAI, TAMIL NADU.

COPIES TO:

1. THE REGISTRAR GENERAL, HIGH COURT, CHENNAI-600 104.
2. THE ADDITIONAL REGISTRAR GENERAL,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI - 625 023.
3. THE REGISTRAR(JUDICIAL), HIGH COURT, CHENNAI- 600 104.
4. THE REGISTRAR(JUDICIAL),  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI - 625 023.
5. THE ADDITIONAL ADVOCATE GENERAL,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
7. THE SECTION OFFICER,  
F SECTION, HIGH COURT, CHENNAI- 600 104.  
(FOR TAKING NECESSARY ACTION)
8. THE SECTION OFFICER,  
F SECTION, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI - 625 023.  
(FOR TAKING NECESSARY ACTION)
9. THE SECTION OFFICER,  
CRIMINAL SECTION, MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI - 625 023. (~~Q~~)  
(TO LIST THE MATTER 2ND WEEK OF SEPTEMBER 2018)

ORDER DATED: 27.07.2018

POSTING TO NOTE: FOR REPORTING  
COMPLIANCE POSTED IN THE 2ND WEEK  
OF SEPTEMBER 2018.

ORDER

CRL OP(MD) Nos.11139 ,12238 /  
2018 and 13975/2017

Giving direction etc., as stated  
within.