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R.O.C.No.77438-A/2018/F1



P.Dis. 190/2018
Dated: 12.12.2018

From

V.Thanga Mariappan, M.A., M.L.,
Registrar (District Judiciary),
High Court,
Madras.

To

Sir,

Sub: Orders passed at the Madurai Bench of Madras High Court in Criminal Original Petitions - Direction to the Registry - To communicate the order copy to all the Principal District and Sessions Judges - Communicated - Reg.

Ref: Order, dated 11.10.2018, passed in Crl.OP(MD).Nos.11139 & 12338/2018 and Crl.OP(MD) No.13975/2017.

As directed, I am to forward herewith a copy of the Order, dated 11.10.2018, passed in Crl.OP(MD).Nos.11139 & 12338/2018 and Crl.OP(MD) No.13975/2017, for reference and information.

in Criminal Original Petitions - Direction to the Registry

Yours faithfully,



12/12/18
REGISTRAR (DISTRICT JUDICIARY)

To

1. All the Principal District and Sessions }
Judges in the State of Tamil Nadu. } with a direction
2. The Principal Judge, City Civil Court, }
Chennai. } to communicate
3. The Chief Judge, Court of Small }
Causes, Chennai. } the order to all
4. The District Judge-cum-Chief Judicial }
Magistrate, The Nilgiris. } the Judicial
5. The Chief Judge, Puducherry. }
} Officers under
6. The Director, Tamil Nadu State Judicial Academy, R.A.Puram, }
Chennai-28. } your control.
7. The Court Manager, High Court, Madras (with a request to }
communicate the same 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
Thursday, the Eleventh day of October, Two Thousand and Eight

PRESENT

The Hon'ble Mr. Justice D. KRISHNAKUMAR

CRL OP (MD) Nos. 11139 and 12338 of 2018
and

CRL.O.P (MD) No. 13975 of 2017



F
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CRL OP (MD) No. 11139 of 2018:

A. V. VIJAYARAGHAVAN

... PETITIONER/COMPLAINANT

Vs

1 STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
BODI NAYAKKANUR RURAL POLICE STATION,
THENE DISTRICT.

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

PRESENT

3 M. SATHYA KALA

... RESPONDENTS



Prayer in CRL OP (MD) No. 11139 of 2018:

Criminal Original Petition filed under Section 482 of Cr.P.C.
to direct the 1st Respondent to execute warrant issued by the
Judicial Magistrate Court, Bodinayakanur/Complainant No. 198/2014,
against the 3rd respondent on 13.11.2017.

CRL OP (MD) No. 12338 of 2018:

THE INSPECTOR OF POLICE,

PETITIONER

- Vs. -

1 S. KANAGAWARY

2 STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

... RESPONDENTS

Prayer in CRL OP (MD) No. 12338 of 2018:

Criminal Original Petition filed under Section 482 of Cr.P.C.
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 District, through the 2nd respondent.

CRI. O. (MD) No. 13975 of 2017

JAYASUDHA

... PETITIONER/COMPLAINANT

- Vs. -

1 THE SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT,
NAGERCOIL.

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

3 KALAISBLVI,
SUB INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.

4 VISWANATHAN,
SUB INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.

5 MOSAI,
HEAD CONSTABLE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.

6 CLAUANCE,
3 KALAISBLVI,
HEAD CONSTABLE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.

... RESPONDENTS

Prayer in CRI. O.P. (MD) No. 13975/2017

Criminal Original Petition filed under Section 482 of Cr.P.C. 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 1st respondent.

ORDER: These Criminal Original Petitions coming on for hearing and upon perusing the petition and material papers, and upon hearing the arguments of Mr.A.V.Vijayaraghavan, Advocate for petitioner herein in Crl.O.P. (MD) No.11139 of 2018, and Mr.I.Sam Jegan, Advocate for the petitioner herein in Crl.O.P. (MD) No.12338 of 2018, and

Mr. R. Russel Raj, Advocate for the petitioner herein in Crl.O.P. (MD) No.1375 of 2017, Mr. K.K. Ramakrishnan, Additional Public Prosecutor, on behalf of Respondents No.1 & 2 in Crl.O.P. (MD) No.11139 of 2018, and Crl.O.P. (MD) No.13975 of 2017, and Respondents No.2 in Crl.O.P. (MD) No.12338 of 2018, this Court made the following order:-

In the earlier order, dated 25.7.2018, this Court has considered the large number of N.B.Ws. are pending before various criminal courts in the State which resulted in causing pendency of number of criminal cases in the State. Pursuant to the aforesaid order passed by this Court on 25.7.2018, the Director General of Police, Tamilnadu, has issued a circular on 26.7.2018 to all the Inspector General of Police which reads as follows:

"Cc.No.123026/Crime.4(3)/2018 Office of the
Director General of Police,
Tamilnadu, Chennai - 4.
Dated: 26.7.2018

CIRCULAR MEMORANDUM

Sub: Police - Directions of the Hon'ble Madurai Bench of Madras High Court in CRL.OP (MD) No.11139 of 2018 filed by A.V.Vijayaragavan - regarding the long pending NBWS - Instructions issued - Regarding.

Ref: Letter in Ref.No.25/2018/AAG-III, dated 25.7.2018 of the Addl. Advocate General-III, Tamil Nadu, Madurai Bench of Madras High Court, Madurai.

The Additional Advocate General-III of Madurai Bench of Madras High Court in his letter cited has informed that the Hon'ble Mr. Justice Dr. 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 case 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 Superintendent 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.

Sd/- T.K.Rajendran
Director General of Police

To
All Inspectors General of Police in Zones
All the Superintendents of Police in Districts."

2. Following the aforesaid circular, this Court directed the Director General of Police to submit a consolidated report in respect of number of N.B.Ws. executed, number of N.B.Ws. pending execution in the State, on or before 2nd week of September, 2018.

3. When the aforesaid case is taken up today, the learned Additional Public Prosecutor has filed status report by submitting that pursuant to the direction issued by this Court, proper instructions have been issued to all the Zonal Inspectors General of Police and the Commissioners of Police to collect particulars relating to pending N.B.Ws. issued by all courts in their respective zones/Cities from the Principal District and Sessions Judges of all districts and to review the pendency of N.B.Ws. on case to case basis. Further, it is also submitted that they were also instructed to furnish the following particulars:-

- (i) Details of N.B.Ws. Pending as per the list furnished by the Principal District and Sessions Courts.
- (ii) Whether executed or not
- (iii) Reason for non execution
- (iv) Remarks of DSP/ADSP/ASP
- (v) Remarks of IGP/COP

Accordingly, all the Inspectors Generals of Police in Zones and the Commissioners of Police in Cities have reviewed the pendency of N.B.Ws and issued instructions to the officials concerned on a case to case basis and furnished a report. According to the report, a meeting was conducted on 20.8.2018 at Director General of Police office, Chennai with all nodal officers nominated in the rank of Additional Superintendent of Police/Deputy Commissioner of Police of Districts/Cities and reasons for pending N.B.Ws. were reviewed. The nodal officers who attended the meeting have been suitably instructed to mitigate the N.B.Ws pendency by taking sincere efforts. The details of N.B.Ws. pending as per the list furnished by the Principal District and Sessions Courts, number of N.B.Ws. executed from the list and number of N.B.Ws. pending District wise

as on 31.8.2018 are as follows:

SL.N.	City/District	Number of NEWS pending as per the list furnished by PD & SJ	No. of NEWS executed from the said list	Pending
1.	Kancheepuram	2136	402	1734
2.	Tiruvellur	1212	343	869
3.	Villupuram	2582	646	1936
4.	Cuddalore	1827	456	1371
5.	Vellore	1215	673	542
6.	Tiruvannamalai	1141	938	203
7.	Trichy	497	198	299
8.	Pudhukottai	917	373	544
9.	Karur	401	151	250
10.	Perambalur	666	388	278
11.	Ariyalur	176	46	130
12.	Thanjavur	696	201	495
13.	Tiruvarur	298	41	257
14.	Nagapattinam	601	60	541
15.	Coimbatore	482	216	266
16.	Tiruppur	770	44	726
17.	Erode	651	200	451
18.	Nilgiris	251	115	136
19.	Salem	730	106	624
20.	Dharmapuri	625	256	369
21.	Namakkal	1403	487	916
22.	Krishnagiri	1596	467	1129
23.	Madurai	547	125	422
24.	Virudhunagar	674	278	396
25.	Madurai	2738	1220	1518
26.	Tiruvallur	1205	428	2577
27.	Ramanathapuram	954	146	5008
28.	Sivagangai	1928	136	1792
29.	Tirunelveli	1361	347	1014
30.	Thoothukudi	1581	467	1114
31.	Kanyakumari	1709	323	1386
32.	Chennai	3572	0	3572
33.	Salem	1189	321	868

Sl.No	City/District	Number of NBWs pending as per the list furnished by ED & SJ	No. of NBWs executed from the said list	Pending
34.	Coimbatore	487	61	426
35.	Tiruppur	535	96	439
36.	Trichy	476	24	452
37.	Madurai	1288	143	1145
38.	Tirunelveli	255	34	221

4. According to the report, already 44,872 NBWs were executed from January to July 2018. As on 31.8.2018, 55,820 NBWs have been executed. As per the list of pending NBWs furnished by the Principal District and Sessions Courts, 41,372 NBWs were pending. Out of which 10,956 NBWs were executed and 30,416 NBWs are pending as of now. The reasons for pendency of NBWs are as follows:

Reason for NBWs Pending	No. of NBWs pending
Whereabouts of the accused are not known	8311
Proper address not available/false address	7843
Accused in foreign country/outside the State	2080
Withdrawal proposal pending surety action initiated	626
Accused absconding	5512
NI Act warrants/other reasons	651

5. On the basis of the report furnished by the Zonal Inspectors General of Police/Commissioners of Police in Cities, the Director General of Police has reviewed all the cases and issued suitable instructions to Zonal Inspectors General of Police/Commissioners of Police in cities vide proceedings Rc.No.123026/Crime 4(3)/2018, dated 15.9.2018. Further, as per the direction of this Court, dated 27.7.2018, the Nodal officer in the rank of Additional Superintendents of Police in Districts/Cities are nominated for execution of the pending NBWs. Besides, special teams have also been formed to find out the absconded accused, whereabouts of the accused not known, etc. Further, in the status report, it is submitted that NBWs issued by the concerned criminal courts, were executed without any delay by stating that special teams with efficient officers under the head of the Inspectors of Police or

S.I. of Police to execute the NBWS issued against the accused.

Long Pending NBWS

6. The status report filed on behalf of the Director General of Police, Tamilnadu, is recorded Post after four weeks for further compliance.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

15-11-2018

Sub Assistant Registrar (CS-III)

TO

- 1 THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR.
- 2 THE JUDICIAL MAGISTRATE,
ERANIEL.
- 3 THE JUDICIAL MAGISTRATE,
KODAIKANAL, DINDIGUL.
- 4 THE DIRECTOR GENERAL OF POLICE
MYLAPORE, CHENNAI.
- 5 THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION.
- 6 THE INSPECTOR OF POLICE,
BODI NAYAKKANUR RURAL POLICE STATION,
THENI DISTRICT.
- 7 THE DEPUTY SUPERINTENDENT OF POLICE,
BODINAYAKKANUR, THENI DISTRICT.
- 8 THE SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT AT NAGERCOLL.
- 9 THE INSPECTOR OF POLICE,
KAUNGAL POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 10 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

*RSK
15/11/18*

15-11-2018

Copy To:

1. The Registrar (Judicial),
Madras High Court, Chennai.

2. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.
(with direction this order to all the Principal District
and Sessions Judge in the State after obtaining necessary
orders from the Hon'ble Chief Justice)
3. The Section Officer,
'F' Section,
Madurai Bench of Madras High Court,
Madurai.
(with direction this order to all the Principal District
and Sessions Judge in the State after obtaining
necessary orders from the Hon'ble Chief Justice)
4. The Section Officer,
Criminal Section/Posting
Madurai Bench of Madras High Court,
Madurai. (2 Copies)
5. The Section Officer,
'F' Section,
Madras High Court, Chennai.

ORDER DATED: 11.10.2018

HEARING DATE: After Four
Weeks

ORDER

CRL. OP (MD) No. 11139 and
12338 of 2018
and
CRL. O.P (MD) No. 13975 of 2017

ES/DIR/RSK/SAB. 2/15.11.2018/EP/17C