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Court : Chennai Madurai

Decided On : Jun-13-2016

Judge : The Honourable Dr.(Mrs.) Justice S. Vimala

Appeal No. : Crl.O.P(MD)No. 8749 of 2016

Appellant : B. Anitha

Respondent : The Superintendent of Police, Ramanathapuram District and Another

Judgement :

(Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent to execute the warrant in M.C.No.5 of 2008 on the file of the Judicial Magistrate, No.II, Ramanathapuram.)

1. This petition has been filed seeking a direction to the 2nd respondent to execute the warrant in M.C.No.5 of 2008 on the file of the Judicial Magistrate, No.II, Ramanathapuram.
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3. The petitioner herein filed a complaint under Sections 18, 10, 20, 22 of the Prevention of Women from Domestic Violence Act, 2005. Interim maintenance was also sought for by the petitioner herein in M.C.No.8 of 2008, which came to be dismissed by the learned Judicial Magistrate, No.II, Ramanathapuram. Based on which, a revision has been filed before the Sessions Judge, Ramanathapuram and interim maintenance was ordered to be paid at the rate of Rs.3,000/- per month from the date of petition, which was challenged before this Court by the husband of the petitioner and this Court by order dated 02.12.2011 confirmed the order of interim maintenance passed by the learned Sessions Judge. However, that order could not be executed, which made the complainant to make a representation to the respondents dated 25.12.2015.

4. The fact remains that even though interim maintenance has been ordered and to be paid from the date of petition, the petitioner herein is not able to realise the amount, because non bailable warrant, which was issued by the Court below, is not executed.

5. The learned Government Advocate (Crl. Side) would submit that the non bailable warrant issued by the learned Judicial Magistrate has not been received by the respondent so far.

6. On perusal of the records, it appears that non bailable warrant has been received by somebody else. Therefore, the learned Judicial Magistrate, No.II, Ramanathapuram is directed to issue necessary instruction to the office to hand over the non bailable warrant to the 2nd respondent immediately and on receipt of the same, the 2nd respondent is directed to execute the same as expeditiously as possible, preferably within a period of two weeks from today.

With the above direction, this petition is disposed of.

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