

CIRCULAR

Sub: High Court, Madras – Code of Criminal Procedure –
Procedure u/s.82, 83 – execution of NBWs – certain
directions issued – ordered to be communicated – copy
enclosed for strict adherence – regarding.

Ref.: Orders of Hon'ble High Court in CrI.O.P.Nos.18411,
16414, 13992, 20051 and 20052 / 2009 (RRJ), dated
16.10.2009

The Hon'ble Thiru Justice R.Regupathi, while disposing the aforesaid
CrI.O.P.s has issued certain directions with regard to NBWs. The guidelines
issued by the Hon'ble High Court in Orders in CrI.O.P.Nos.18411, 16414, 13992,
20051 and 20052 / 2009 (RRJ), dated 16.10.2009 have been extracted
hereunder:

- (a) ~~Soon after receipt of copy of judgment / order / direction to secure the~~
~~accused, NBW shall be issued forthwith so as to commit him / them to~~
~~custody;~~
- (b) ~~While issuing warrants, the Magistrates shall mention in the Form of~~
~~Warrant the time factor for execution as "within 30 days";~~
- (c) ~~The Chief Judicial Magistrates / Chief Metropolitan Magistrates shall~~
~~call for monthly statistics from the Magistrates and if long pendency of~~
~~non-execution of NBW is noticed, after consultation with the District~~
~~Judge, suitable direction be issued to the Superintendent of Police;~~
- (d) ~~In matters where non-execution is reported, it must be seen that, on~~
~~the very next day of expiry of the respite, viz., 30 days, the officer~~

concerned files status report exhaustively reflecting the efforts taken by him and if it is expressed that there are prospects of securing the person concerned before long, reasonable time may be granted by the Judicial Officer not exceeding 15 days by way of extension so that the warrant could be executed without resorting to further modes prescribed in the procedural law;

(e) If the officer concerned assigns valid reasons and expresses inability to secure the person against whom warrant is issued, after examining the reasons and assessing the facts and circumstances of the case and after fully being satisfied that the accused is obviously evading arrest in spite of knowing issuance of NBW, the Court shall resort to the procedure adumbrated in Section 82 Cr.P.C., and without any loss of time, if necessary, thereafter, further proceed under section 83 Cr.P.C.; and

(f) In the event of an accused, who is at large by virtue of bail orders, clandestinely fleeing the country or continuously hiding away from appearing before the court, steps shall be taken to proceed against the sureties simultaneously in the manner known to law.

Attention of all Principal District Judges / District Judges and Principal Judge, City Civil Court, Chennai are hereby drawn that the above said guidelines shall have to be observed scrupulously without any deviation therefrom.

HIGH COURT, MADRAS
DATED: 29/01/2010

Sd/- A. Arumugha Swamy
REGISTRAR GENERAL

// True copy / Forwarded / By Order //

DEPUTY REGISTRAR (COMPUTERS)