

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.17070 of 2015
and MP.No.1 of 2015

1.Benildas Nirmal Fernando
2.Francis Newton Fernando
3.Bernard Newin Fernando ... Petitioners/Accused 2to4

Vs

1.S.Ramesh
37, Arcot Road, Vadapalani
Chennai - 600 026. ... Respondent/Complainant.

2.The Manager,
Union Bank of India,
Egmore Branch, Chennai - 600 008. .. Respondents/Accused-5

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records pertaining to the order dated 26.6.2015 passed in MP.No.722 of 2015 in MP.No.721 of 2015 in C.C. No.4767 of 2014 by the learned XVII Metropolitan Magistrate, Saidapet, Chennai and set aside the same and allow the petition filed by the petitioners herein for implead.

For Petitioner :Mr.G.Veerapathiran

ORDER

This Criminal Original Petition has been filed praying to call for the records pertaining to the order dated 26.6.2015 passed in MP.No.722 of 2015 in MP.No.721 of 2015 in C.C. No.4767 of 2014 by the learned XVII Metropolitan Magistrate, Saidapet, Chennai and set aside the same and allow the petition filed by the petitioners herein for implead.

2. Heard the learned counsel for the petitioner.

3. It is seen that one Ramesh has filed a private complaint in C.C.No.4767 of 2014 before the learned XVII Metropolitan Magistrate., Saidapet, Chennai, against the petitioners herein. The Trial Court has taken cognizance of offence and issued process to the petitioners/accused. Immediately, the petitioners filed a discharge application and in that discharge application, they filed an impleading petition, to include some other person also as accused, which were all rightly dismissed by the Trial Court. When a private

complaint is filed, the procedure that has to be followed is adumbrated in Chapter XIX(B). The complainant should have adduced the evidence under Section 244 of Cr.P.C., and only then, charges will be framed. Therefore, the petition filed by the petitioners/accused is premature and they were rightly dismissed by the Trial Court, which does not warrant interference by this Court.

4.The Trial Court is directed to expeditiously conduct the enquiry in C.C. No. No.4767 of 2014 and pass orders in accordance with law.

5. With the above direction, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is also closed.

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s/d-
Assistant Registrar

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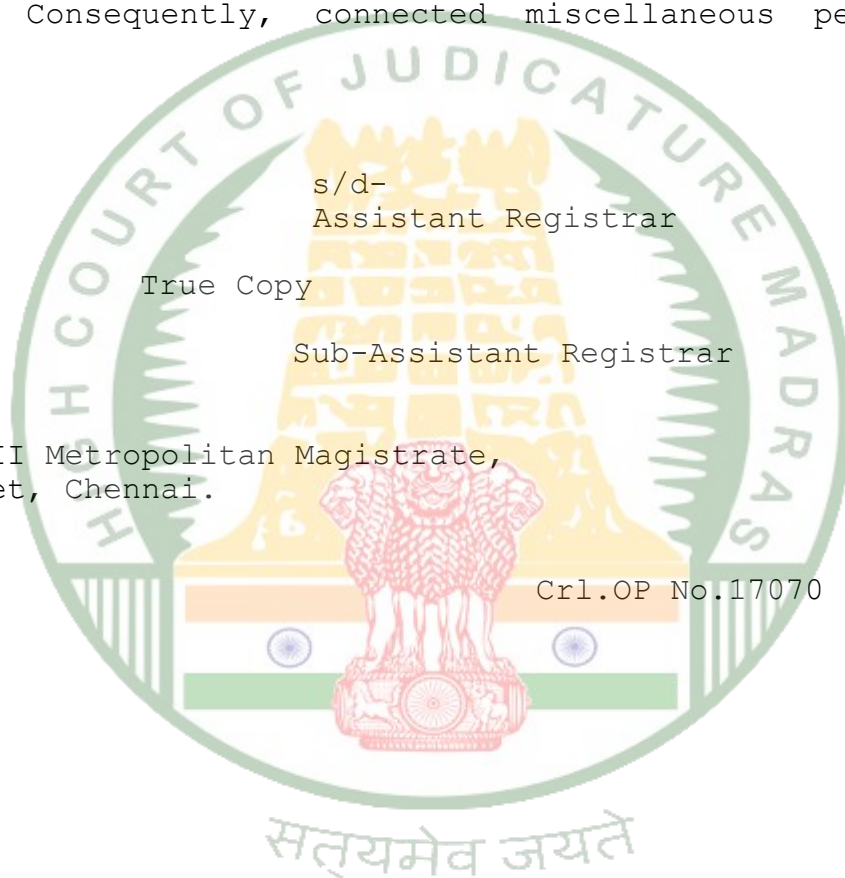
Sub-Assistant Registrar

To

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai.

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prk27/7

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