

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.21190 of 2015

I.Ahamed Azam
Power Agent being represented on behalf of
1.I.Ashraf
2.S.Sultana Regia Petitioner

Vs

1.Mohamed Fazal
2.K.A.Ismail ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the learned XVII Metropolitan Magistrate, Saidapet, Chennai-15 to take this complaint on file in accordance of law, jurisdiction.

For Petitioner : Mr.S.Kanniah

O R D E R

This petition has been filed to direct the learned XVII Metropolitan Magistrate, Saidapet, Chennai-15 to take his complaint on file.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. On 25.08.2015, this Court passed the following order:

"It is seen that this petitioner presented a complaint under Section 138 of Negotiable Instruments Act before the learned Metropolitan Magistrate, Fast Track Court-III which was returned by the learned Magistrate on 29.07.2015 with a direction to the petitioner to present the same before the learned XVII Metropolitan Magistrate, Saidapet. The petitioner presented the complaint before the learned XVII Magistrate on 30.07.2015 and the learned Magistrate has passed the following order:

"30.07.2015

High Court ROC received dated 18.6.2015 by this Court on 25.06.2015, it has does not have retrospective effect to take cases on file, hence clarify Returned.

Sd/- 29.07.2015."

2. The learned Magistrate ought not to have returned the complaint to the complainant for clarifying the ROC issued by the High Court. If the Magistrate has any doubt about the ROC issued by the High Court, it is for him to send a communication to the Registry and ask for clarification and not to ask parties to clarify on this aspect.

3. Hence, the order passed by the learned XVII Metropolitan Magistrate signed on 29.07.2015 is hereby set aside and he is directed to take on file the complaint presented by the complainant and pass orders in accordance with law.

4. The petitioner is directed to re-present the complaint before the learned XVII Metropolitan Magistrate within one week, from the date of receipt of a copy of this order and report to this Court.

Post on 08.09.2015."

4. Today, the petitioner has filed an affidavit, wherein, he has stated as follows:

"I humbly submit that this Hon'ble Court was pleased to pass an order in Crl.OP.No.21190 of 2015 dated 25.08.2015 to re-present the complaint before the XVII Metropolitan Magistrate, Saidapet, Chennai-15, within one week on the date of receipt of the order.

I further submit that in compliance of the order of this Hon'ble Court and in receipt of the certified copy of the order dated 08.09.2015, I have re-presented the complaint before the XVII Metropolitan Magistrate on 10.09.2015, and the matter has been adjourned to 02.11.2015 for further proceedings.

In the above stated circumstances it is prayed that this Hon'ble Court may be pleased to permit the petitioner to report the order of compliance as directed by this Hon'ble Court in Crl.OP.No.21190 of 2015, dated 25.08.2015, and pass any other order or orders as deem fit and proper in the circumstances of the case and thus render justice."

5. In view of the above, nothing survives in this petition, and accordingly closed.

Sd/-
Asst.Registrar

/true copy/

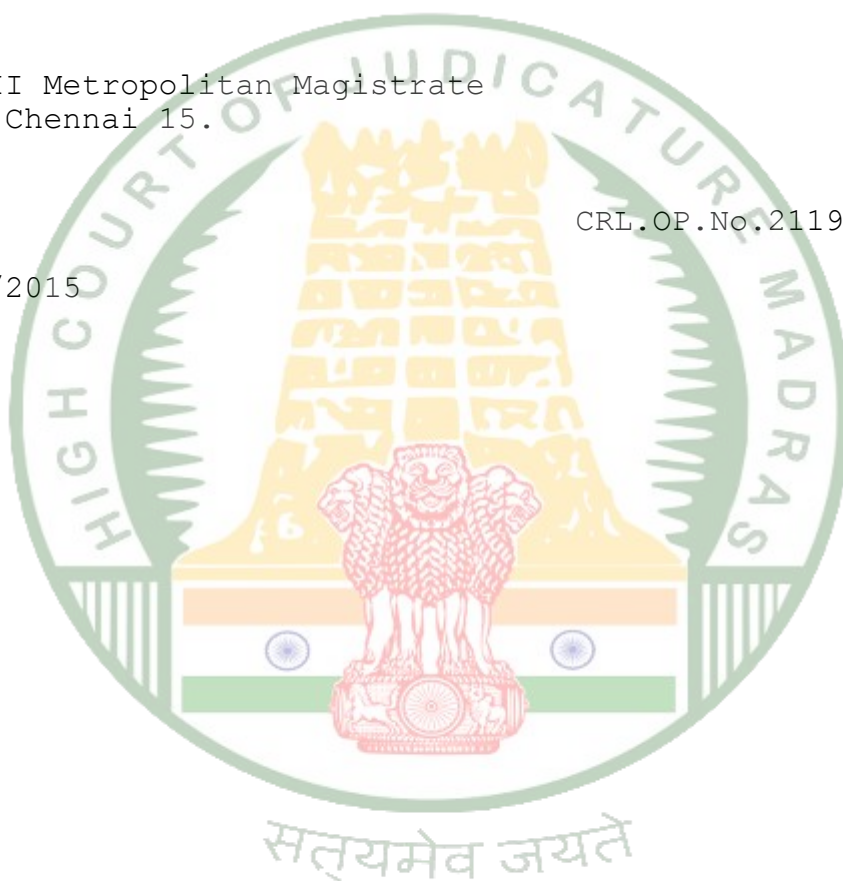
Sub Asst. Registrar

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To
1. The XVII Metropolitan Magistrate
Saidapet, Chennai 15.

kgk co
kra 16/11/2015

CRL.OP.No.21190 of 2015



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