

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2015

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cr1.O.P.No.16016 of 2014

and

M.P.No.1 of 2014

1.Corley Manuel Roy

2.S.Venkatesan

.... Petitioners

Vs.

M/s.Kores India Limited

Rep.by its Legal Officer,

Mr.Sanjay Amarnath Sharma

.. Respondent

Prayer:- Petition has been filed under Section 482 of Cr.P.C. to call for the records in C.C.No.5995 of 2012 on the file of the learned XIII Metropolitan Magistrate, Egmore, Chennai-8 and quash the proceedings..

For Petitioner : Mr.V.Bhiman

For R1 R1 : Mr.K.F.Manavalan

O R D E R

It is seen that the complaint was filed by the complainant before the learned Judicial Magistrate, First Class, II Court, Thane and now the complaint has been transferred to XIII Metropolitan Magistrate Court, Egmore, Chennai after it passes through circuitous rule.

2. This prosecution has been launched not on a police report but on a private complaint and therefore, the learned XIII Metropolitan Magistrate, Egmore, Chennai, is required to follow the procedure adumbrated under Chapter XIX - Sub heading 'B' in Section 244 of the Criminal Procedure Code, which means that in any warrant-case instituted otherwise than on a police report, the accused appears or is brought before a Magistrate, the Magistrate shall proceed to hear the prosecution and take all such evidence as may be produced in support of the prosecution and the Magistrate may, on the application of the prosecution, issue a summons to any

of its witnesses directing him to attend or to produce any document.

3. In the facts and circumstances of this case, this Criminal Original Petition is closed and the learned XIII Metropolitan Magistrate, Egmore, Chennai-8, is directed to proceed with the enquiry in C.C.No.5995 of 2012 and complete the same within a period of six months from the date of receipt of a copy of this order. The accused and the complainant shall co-operate with the Magistrate for complying with the direction issued by this Court. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

kkd

To

- 1.The XIII Metropolitan Magistrate,
Egmore, Chennai-8
- 2.-do- Thro Chief Metropolitan Magistrate, Chennai
- 3.The Public Prosecutor,
High Court, Madras.

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