

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

CRL.O.P.NO.4552 OF 2015

1. Kasiammal
2. Ganesan
3. Kumaresan
4. Arumugam

...Petitioners

vs.

The Inspector of Police
Singarapettai Police Station
Krishnagiri District
(Crime No.115 of 2013)

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to set aside the order dated 08.10.2014 in S.R.No.298 of 2014 which was returned by the trial Court of Sessions Judge, Mahila Court, Krishnagiri and adjudicate the matter in accordance with law.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This petition is filed challenging the order passed by the learned Sessions Judge, Mahila Court, Krishnagiri in unnumbered Crl.M.P.SR298 of 2014 in S.C.No.118 of 2014 by which the petition filed by the petitioners for discharge was returned on the ground it was resubmitted out of time.

2. It is submitted by the learned counsel for the petitioners that the petitioners filed application for discharge and that was returned by the learned Sessions Judge on 08.10.2014 stating that notice to be given to the other side and the enrolment number of the advocate to be noted in the Memorandum of Appearance and one week time was given for compliance. The petitioners re-submitted the petition on 29.10.2014 and that was returned with the endorsement that the petition was re-submitted out of time and therefore returned. He, therefore, submitted that the learned Sessions Judge

ought not to have returned the papers and ought to have numbered the petition, if it is otherwise in order.

3. I am in complete agreement with the learned counsel for the petitioners. Even though one week time was given for compliance of the return made on 08.10.2014, when the papers were resubmitted after compliance of the defects, the Court ought not to have returned the papers on the ground that it was re-submitted out of time. There is no period of limitation for re-submitting the papers in criminal cases.

4. Hence, this Criminal Original Petition is allowed and the order of the learned Sub-Judge dated 31.10.2014 in CrI.M.P.SR.No.298 of 2014 in S.C.No.118 of 2014 is set aside and the learned Sessions Judge is directed to number the petition CrI.M.P.SR No.298 of 2014 filed by the petitioners without insisting on the time limit, if the petitioners have complied with the direction mentioned in the return dated 08.10.2014 and the petition is otherwise in order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gpa

To

1.The Sessions Judge
Mahila Court, Krishnagiri

2. The Inspector of Police
Singarapettai Police Station
Krishnagiri District

3. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.R. Sankarasubbu, Advocate Sr.11182

CrI.O.P.No.4552 of 2015

GJ(CO)
Eu 2.03.15