

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2015

CORAM

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

Crl.O.P.No.7095 of 2015

R.Selvam

...Petitioner

vs.

R.R.Sathiamurthy
Mettur Co-operative Primary Agricultural
Rural Development Bank,
Mettur Dam - 1

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the learned Judicial Magistrate No.3, Salem to receive the condone delay petition in S.R.No.1259 dated 07.02.2015 and connected complaint papers in C.C.No.89 of 2013 on the file of the learned Judicial Magistrate No.4, Mettur.

For Petitioner : Mr.K.V.Sridharan

O R D E R

This Petition is filed challenging the order of the learned Judicial Magistrate No.III, Salem in refusing to condone the delay in re-presenting the complaint.

2.It is submitted by the learned counsel for the petitioner that originally a private complaint was filed before learned Judicial Magistrate, Mettur and by virtue of the order passed by the Hon'ble Supreme Court, the complaint was returned on 17.12.2014 on the ground of of jurisdiction and it was re-presented before the Magistrate concerned, who is having jurisdiction, namely, learned Judicial Magistrate No.III, Salem on 29.04.2015 and in that, there happened to be a delay of 22 days. Therefore, an application was filed to

condone the delay of 22 days in re-presenting the complaint and the same was not considered, hence this Petition.

3.Considering the submissions of the learned counsel for the petitioner and the reasons set out in the affidavit, the order of the learned Judicial Magistrate No.III, Salem dated 07.02.2015 is set aside, delay is condoned and the learned Judicial Magistrate No.III, Salem is directed to take up the matter and the petitioner is permitted to re-present the matter within a period of ten days from the date of receipt of copy of this order and on such representation, the learned Magistrate is directed to take up the same on file, if it is otherwise in order.

In the result, this Criminal original Petition is allowed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III,
Salem.

2. -Do- Through The Chief Judicial Magistrate,
Salem.

1 CC to Mr.K.V.Sridharan, Advocate SR.No.16307

Cr1.O.P.No.7095 of 2015

KSJ (CO)
PSI (26.03.2015)

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