

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.929 of 2015

and

M.P.No.1 of 2015

D.Sampath Petitioner/Defacto Complainant
vs
S.Prabakaran Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 12.12.2014 and to direct the trial court to re-open the case and give an opportunity to the petitioner to cross examine the complainant PW1 in C.C.No.428 of 2008 on the file of the Judicial Magistrate No.1, Thiruvannamalai.

For Petitioners :Mr.S.Silambu Selvan

ORDER

Heard the learned counsel for the petitioner.

2. It appears that the petitioner had filed an application before the trial court under Section 311 of Cr.P.C., on 12.12.2014. On the same date, the learned Magistrate has returned the petition with the following endorsement:

"How this petition is maintainable. Already similar petition filed allowed on 13.02.2013 on the same ground. Hence, this petition is returned."

Challenging the return made by the learned Magistrate, this petition has been filed.

3. When a return is made by the learned Judicial Magistrate, it is the duty of the parties to re-submit the same and not to approach this Court under Section 482 of the Cr.P.C., to set aside the return.

4. On this short ground, this petition is dismissed with liberty to the petitioner to re-submit the returned papers. Consequently, the connected miscellaneous petition is closed.

vj2

Sd/-
Assistant Registrar
Dated:8/4/2015

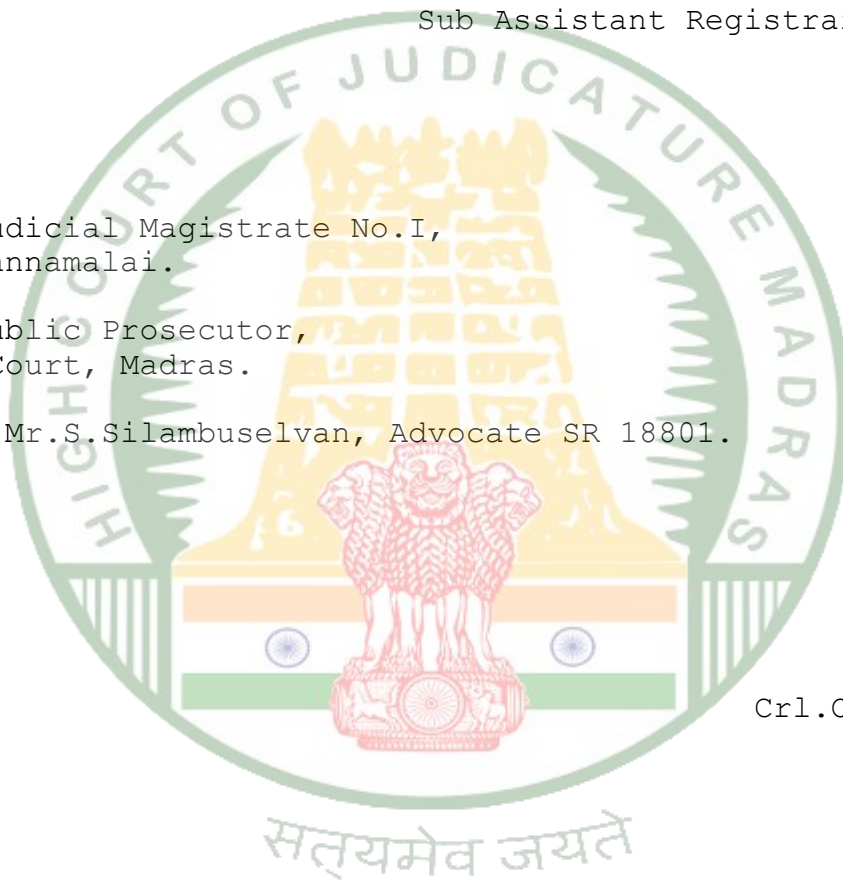
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Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Tiruvannamalai.
 2. The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.S.Silambuselvan, Advocate SR 18801.

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