



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 12.01.2015
CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

WEB COPY

Cr1.O.P. (MD) No.23344 of 2014

Vel Murugan

... Petitioner

Vs.

The State represented by its
Inspector of Police,
Othakadai Police Station,
Othakadai,
Madurai.
(Crime No.351 of 2012)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records pertaining to the order passed in L.F.No.1203 of 2013 on the file of the learned Judicial Magistrate, Melur on 12.10.2013 and set aside the same.

For Petitioner : Mr.T.A.Ebenezer

For Respondent : Mr.K.Anbarasan
Govt. Advocate (Cr1.side)

O R D E R

This Criminal Original Petition is filed to set aside the order passed in L.F.No.1203 of 2013 on the file of the learned Judicial Magistrate, Melur on 12.10.2013.

2. The respondent has registered a case in Crime No.351 of 2012 for offences under Sections 279 and 337 of I.P.C. on 16.07.2012. The order of the learned Judicial Magistrate, Melur dated 12.10.2013 reads as follows:

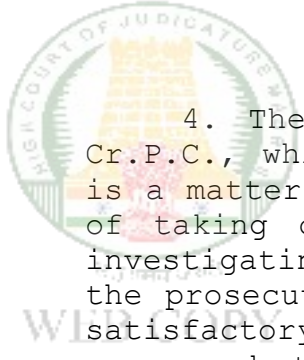
"L.F.No.1203/2013
Cr.No.351/12 Othakadai P.S.
279, 337 I.P.C.

Order

*The Charge sheet has not been filed
after the period prescribed in the
Sec.468 Cr.P.C. Hence, it is necessary
to close this case as per the provision.
In the result, this case is closed.*

*Judicial Magistrate
Melur"*

3. The order under challenge highly is objectionable. The papers
<https://hdsrscourts.gov.in/hdsrscourts> common stamp is used in passing the order. It is submitted
across the bar that such practice of stamping similar orders is in force
and the order itself would reflect the non-application of mind.



4. The question of applicability or otherwise are of Section 468 Cr.P.C., which informs the period of limitation regards certain offences is a matter to be gone into at the stage of taking cognizance. The stage of taking cognizance arises, when a final report is preferred by the investigating agency. It is at such instance, an opportunity arises for the prosecution to move a petition under Section 473 Cr.P.C. and offer a satisfactory explanation for the delay and to convince the Court concerned that cognizance ought to be taken. This Criminal Original Petition shall stand allowed and the order of the Judicial Magistrate, Melur dated 12.10.2013 is set aside.

5. In dealing with the matter, the Court below shall act in keeping the observations made herein above.

6. The Registrar (Judicial) is directed to circulate a copy of this order to all the Judicial Magistrates in the State.

Sd/-

Assistant Registrar

\\True copy\\

Sub Assistant Registrar

To

1. The Judicial Magistrate, Melur
2. The Inspector of Police, Othakadai Police Station, Othakadai, Madurai.
3. The Registrar (Judicial) Madurai Bench of Madras High Court Madurai.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

COPY TO : THE SECTION OFFICER, F SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.T.A.EBENEZER, ADVOCATE SR.NO.1436

Cr1.O.P.(MD)No.23344 of 2014

AKV

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