



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Crl.O.P. (MD) No.6329 of 2015

M.P.Subramani

... Petitioner

Vs.

S.Lakshmanan

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to set-aside the return docket order made in C.C. No. unnumbered/2015 dated 09.02.2015, on the file of the Judicial Magistrate, Paramakudi and consequently direct the Learned Judicial Magistrate to number the same and proceed in accordance with law.

For Petitioner : Mr.J.Jeyakumaran

ORDER

The petition has been filed under Section 482 of the Code of Criminal Procedure praying to set aside the return docket order made in C.C.No.unnumbered/2015 dated 09.02.2015, on the file of the Judicial Magistrate, Paramakudi and consequently to direct the learned Judicial Magistrate to number the same.

2. Since the matter is between the Court and the petitioner, this Court is not inclined to issue notice to the respondent.

3. The learned Counsel for the petitioner submitted that the Petitioner originally filed a complaint in C.C.No.440/2014 on the file of the Judicial Magistrate-VI, Coimbatore. By order dated 25.11.2014, the papers were returned to the complainant to be presented before the appropriate court in view of the decision rendered by the Honourable Supreme Court in ***Dashrath Rupsingh Rathod vs. State of Maharashtra and another*** and it was actually returned by the Judicial Magistrate-VI, Coimbatore, in D.No.1077 of 2014.

4. The order states that the presentation should be made within 30 days. The petitioner presented the papers before the Judicial Magistrate, Paramakudi on 19.01.2015, which was returned on the ground that the papers has been presented beyond 30 days granted by the Judicial Magistrate-VI, Coimbatore. Challenging the said order the present petition is filed before this Court.

5. This Court finds considerable force in the submission of the learned Counsel for the petitioner. The fact that the petition has been presented within the period of 30 days before the Judicial Magistrate, Paramakudi is in dispute. What is to be done is only a procedural. Even otherwise records would go to show that the papers were indeed returned only on 23.12.2014. Thereafter, the petitioner presented the



papers before the Jurisdictional Magistrate Court on 19.01.2015. The above fact would reveal that the presentation is in order.

6. In the result, this Criminal Original Petition is allowed and the order passed by the Judicial Magistrate, Paramakudi, is set aside and the petitioner is directed to present the papers within two weeks from the date of receipt of a copy of this order. Thereafter, the learned Judicial Magistrate, Paramakudi is directed to take the said papers on file and number it if it is in order and proceed further in accordance with law.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Paramakudi.

2. Do-Thro' The chief Judicial Magistrate,
Ramanathapuram.

+1cc to Mr.J.Jeyakumaran,Advocate, SR.No.17578

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pjl/pm

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