

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.1025 of 2011

and

M.P.No.1 of 2011

Ayoob Khan ... Petitioner/Complainant

Vs.

1. The State Rep. by,  
The Inspector of Police,  
Singarapettai Police Station,  
Krishnagiri District. ... Respondent/Complainant

2. Kalipathullah ... Respondent/Accused

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure, praying to call for the records in connection with Crl.M.P.No.8 of 2011 in S.C.No.19 of 2011, pending on the file of the learned Additional Special Judge, Krishnagiri, Krishnagiri District, dated 08.07.2011 and set aside the same.

For Petitioner : Mr.E.Kannadasan

For R-1 : Mrs.M.F.Shabana,  
Government Advocate (Crl.Side)

For R-2 : Mr.Dass & Viswa

ORDER

The learned counsel appearing for the petitioner seeks permission of this Court to withdraw the Criminal Revision Case and he has also made an endorsement to that effect and the endorsement reads as follows:-

"I may be permitted to be withdrawn the above criminal revision petition and permitting the petitioner to approach the trial Court to file fresh petition with correct cause title with liberty."

2. The above said endorsement is recorded.

3. At this juncture, the learned Government Advocate (Crl.Side) appearing for R.1 and the learned counsel appearing for R.2 strongly objected for dismissing the petition with liberty to file a fresh petition, since the case is pending from the year 2011.

4. This Court perused the order passed by the trial Court. On a perusal of the order, it is seen that the trial Court dismissed the petition only on the ground that respondents 2 to 5 therein are impleaded in the petition, even though they are not the accused in the main case. In view of the above circumstances, this Court is of the considered view that the revision has to be dismissed giving liberty to the petitioner to file a fresh petition before the trial Court.

5. In the result, this Criminal Revision Case is dismissed with liberty to the petitioner to file appropriate petition, according to law. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The Additional Special Judge,  
Krishnagiri, Krishnagiri District.
2. The Inspector of Police,  
Singarapettai Police Station,  
Krishnagiri District.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to M/s. E. Kannadasan, Advocate, S.R.No.46411  
+1cc to M/s. Dass Law Assts, Advocate, S.R.No.46355

SAI (CO)  
EU(12/08/2016)

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