

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.1361 of 2016

and

Crl.M.P.No.624 of 2016

1. Sasi Thomas,
S/o. Thomas,
Pazhayampally,
Grace Villa, Santhigram,
Padannakkad P.O.,
Kasargode District, Kerala.
2. Joju Thomas,
S/o.Thomas,
Pazhayampally,
Kunnothu, Kililathara P.O.,
(via) Iritty-670 706,
Kannur District, Kerala. ... Petitioners/Defacto Complainant.

Vs.

1. Inspector of Police,
Crime Branch Criminal Investigation Department,
CB CID, Nilgiri Unit,
Nilagiri District. ...1st Respondent/Complainant.
2. Jose Paul,
S/o.Stansilaus,
Therattil,
4th Mile, Padanthara,
Gudalur, The Nilgiris District. 2nd Respondents/Accused

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to issue a direction to the learned Fast Track Mahila Judge of the Nilgiris at Udhagamandalam (Magalir Needhi Mandram-cum-Sessions Court of The Nilgiris) to direct the counsel for the 2nd respondent in S.C.No.45 of 2005 on the file of the said Court to serve a copy fo the counter in Crl.M.P.No.301 of 2015 in S.C.No.45 of 2004 as well as Crl.M.P.No.358 of 2015 in S.C.No.45 of 2004 to the counsel for the petitioner/defacto complainant and to obtain the necessary

endorsement from the counsel for the petitioner/defacto-complainant before the aforesaid counter is taken on file and take cognizance by the 1st respondent.

For Petitioner : Mr.P.V.Ravichandran

For Respondent : Mr.C.Emalias, APP

* * * * *

ORDER

This petition has been filed by the petitioners seeking to direct the Fast Tract Court at Nilgiris (Magalir Needhi Mandram-cum-Sessions Court at Nilgiris), to direct the counsel for the 2nd respondent in S.C.No.45 of 2005 to serve a copy of the counter in Crl.M.P.No.301 of 2015 as well as Crl.M.P.No.358 of 2015 in S.C.No.45 of 2005 pending on the said Court.

2.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

3.The main grievance of the petitioners is that the counsel for the 2nd respondent in S.C.No.45 of 2005 did not serve a copy of the counter in Crl.M.P.No.301 of 2015 as well as Crl.M.P.No.358 of 2015 in S.C.No.45 of 2005 pending on the said Court, to the counsel for the petitioners. In this matter, to make out the case in support of his prayer, the learned counsel for the petitioners has filed a detailed affidavit containing 20 pages.

4.But, in my considered opinion, for such a trivial issue, the petitioners cannot invoke the jurisdiction of this Court under Section 482 of Cr.P.C. It is for the petitioners to work out their remedy only before the Trial Court. Therefore, the present petition is liable to be dismissed.

Accordingly, the criminal original petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

ssv

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Fast Track Mahila Judge,
(Magalir Needhi Mandram-
cum-Sessions Court of The Nilgiris)
The Nilgiris at Udhagamandalam.

2. The Inspector of Police,
Crime Branch Criminal
Investigation Department,
CB CID, Nilgiri Unit,
Nilagiri District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.P.V.Ravichandran, Advocate SR 7037

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and
Crl.M.P.No.624 of 2016



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