

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1135 of 2015

M/s.GTC Foods Private Limited,
Rep by its Authorized-cum-Power Agent,
Mr.Vijayakumar,
4/461, Muthamizh Nagar,
87th Street, Kodungaiyur,
Chennai - 600 118. ... Petitioner/Defacto
Complainant

vs.

1.The State rep by
Inspector of Police,
Crime Branch,
B-2, Esplanade Police Station,
Chennai.

2.S.Mohan,
Proprietor,
M/s.Shakthi Shipping and Logistics.

3.M/s.D.Subathra @ Suba
Marketing Manager.

4.M.Dinakaran,
Marketing Representative,
M/s.Shakthi Shipping and Logistics,
Old No.237, New No.192,
3rd Floor, Thambuchetty Street,
Chennai - 600 001.

.. Respondents / Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C. to set aside the order made in M.P.No.201 of 2015 in order dated 31.07.2015 by VII Metropolitan Magistrate, George Town, Chennai and allow the revision petition and the same.

For Petitioner :M/s.J.Madanagopal Rao

For Respondent : Mr.K.Madhan
Government Advocate (Crl.side)
No Appearance for R2 to R4

O R D E R

This revision challenges the order passed in M.P.No.201 of 2015 in order dated 31.07.2015 passed by VII Metropolitan Magistrate, George Town, Chennai.

2. Petitioner has preferred complaint alleging commission of offences under Sections 406, 420 r/w 34 of IPC.

3. The order under challenge reads as follows:

"Complainant present. Heard perused considered. The respondent police filed report u/s 202 Cr.P.C perused the report filed by the respondent police. upon perusing the documents filed by the complainant and the report filed by the respondent police and upon hearing the arguments, this Court observed that the accused, due to the inflation in price not able to serve the complainant. no criminal intention is there and hence this Court feels that there is no sufficient ground exists to proceed with this case. Hence complaint dismissed u/s 203 Cr.P.C."

4. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

5. In passing the order, the Court below ought to have informed the allegations in the complaint, inform the materials available in support there of or lack there of, discussed the report under section 202 Cr.P.C and informed the reasons for concurrence.

6. The Court below is directed to pass a reasoned order meeting the above requirements. It is made clear that this

Court is not expressing any view on the merits of the case. In other words the Court below might well arrive at the same decision informing its reasons. With the above direction, this revision is disposed of.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1 The VII Metropolitan Magistrate,
George Town, Chennai.

2 The Inspector of Police,
Crime Bench, B-2 Esplanade police station,
Chennai.

3 The Public Prosecutor,
High Court, Madras 104.

+1cc to Mr.J.Madanagopal Rao, Advocate, SR.No.66105

SDR 06.01.2017

Cr1.R.C.No.1135 of 2015



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