

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

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

Crl.R.C.No.1330 of 2015

B.Krishnan

.. Petitioner

vs.

1.The State of Tamil Nadu
rep by
The Inspector of Police
S-12, Chitlapakkam Police Station
Chennai

2.K.P.Balaji

3.R.Asokan

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order passed in Crime No.816 of 2012 on 31.07.2015
by the learned Judicial Magistrate, Tambaram.

For Petitioner : Mr.J.C.Durairaj

For Respondent : Mr.M.Mohammed Riyaz,
Govt.Advocate (Crl.side)

Mr.S.Yues Joseph for R2

M/s. Waraon and Sai Rams for R3

O R D E R

This revision challenges the order of the learned Judicial Magistrate, Tambaram accepting a final report filed by the first respondent in Crime No.816 of 2012 on 31.07.2015.

2. Heard the learned counsel for petitioner and the learned Government Advocate (Crl.side) for the first respondent and the learned counsel appearing for respondents 2 and 3.

3. Learned counsel for Petitioner/defacto complaint submits that no notice of the final report filed before the Court below has been issued to him. A perusal of the records reveals that though on several occasions Court below has directed notice to the petitioner/defacto complainant, there is no proof of service thereof on him.

4. In the circumstances, this Court would set aside the order under challenge and permit the petitioner to prefer a protest petition against the final report in case registered in crime No.816 of 2012 on the file of learned Judicial Magistrate, Tambaram within a period of one month from the date of receipt of a copy of this order. Court below shall deal with the protest petition solely on merits.

Accordingly, this criminal revision petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate
Tambaram

2.The Inspector of Police
S-12, Chitlapakkam Police Station
Chennai

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.S. Yves Joseph, Advocate, S.R.No.73747
+1cc to Mr.J.C. Durairaj, Advocate, S.R.No.73761

rsk(CO)
md(31/01/2017)

Cr1.R.C.No.1330 of 2015