

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

Cr1.R.C.No.728 of 2015

1.S.Kesavan
2.Meena

... Petitioners

vs.

1.S.Brindha Devi
2.K.Senthil Kumar

... Respondents

Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., seeking to call for the records of the learned Judicial Magistrate I, Pollachi in C.C.No.212 of 2013 in Crime No.4 of 2013 and set aside the order dated 10.10.2013.

For Petitioners: Mrs.P.T.Asha for
M/s.Sarvabhauman Associates

For Respondents: Mr.C.R.Malarvannan
Mr.K.Nagarajan for [R1]
Mr.J.Arunprasad
Mr.A.Saravanan for [R2]

O R D E R

This revision challenges the order of learned Judicial Magistrate I, Pollachi, passed in C.C.No.212 of 2013 in Crime No.4 of 2013 on 10.10.2013.

2. Heard learned counsel for petitioner and learned counsel for respondents 1 and 2.

3. By the order under challenge, the learned Judicial Magistrate I, Pollachi, accepted the protest petition moved by the respondent/defacto complainant. The order reads thus:

"The Court considered the complaint and statement of witnesses. This Court is of the view that prima facie case is made out against A1 to A3 for the commission of offence u/s.498-A IPC. But the same time, the complaint has not made out any

prima facie case against A4 and A5.

In the Result:

This case is taken on file u/s.498-A IPC against A1 to A3. Issue summons A1 to A3 by 20.12.2013."

4. This Court would accept the present revision for the reason that the order under challenge is a non-speaking one.

5. This Criminal revision is allowed and the order of learned Judicial Magistrate I, Pollachi, passed in C.C.No.212 of 2013 in Crime No.4 of 2013 on 10.10.2013 is set aside. The matter shall now stand remanded back to the learned Judicial Magistrate I, Pollachi for passing an order on merits informing reasons for the decision arrived at. This order does not touch upon the merits of the case and is not to be read as accepting or rejecting the case of either side.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate I,
Pollachi

2.-Do- Thro The Chief Judicial Magistrate,
Coimbatore (for information)

+1cc to M/S.Mohideen Basha, Advocate Sr.76

+1cc to M/S.Sarvabhauman Associates, Advocate Sr.686

Copy to:

The Section Officer,
Criminal Section,
High Court,
Madras.

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ak(CO)
srg(27/01/2016)