

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2016

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Cr1.O.P.No.19293 of 2015

H.Sureshkumar Jain,
S/o.Harakchand,
No.7/57A, Usensahib Street,
Cantonment Pallavaram,
Chennai 600 043

... Petitioner/Defacto
Complainant

Vs.

State represented by
Sub Inspector of Police,
S-5, Pallavaram Police Station,
Crime, Chennai 600 043

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to set aside the order made in Cr.No.209 of 2013 RCS No.871 of 2013 dated 19.11.2013 on the file of the Judicial Magistrate Court, Tambaram, Chennai and direct the respondent to re-investigate and file appropriate report.

For Petitioner : Mr.N.Naganathan

For Respondent : C.Emalias,
Additional Public Prosecutor

ORDER

This petition is filed praying to set aside the order made in Cr.No.209 of 2013 RCS No.871 of 2013 dated 19.11.2013 on the file of the Judicial Magistrate Court, Tambaram, Chennai.

2. The petitioner made a complaint on 24.12.2012 for theft of gold jewels against the accused. The case was registered on 05.02.2013 under Sections 380 and 506(ii) IPC. On completion of investigation, the respondent filed a final report in RCS.No.871 of 2013. The learned Judicial Magistrate has passed the non speaking order on 19.11.2013 is extracted hereunder:-

"Final report filed treating the Cases is undetectable / dropping further action in the above case submitted. RECORDED".

The learned Judicial Magistrate has not given any notice to the petitioner before passing the non speaking order. Hence, he has come forward with the present petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

4. Considering the submissions of the petitioner, this Court is of the opinion that there is no need to set aside the order made in Cr.No.209 of 2013 in RCS.No.871 of 2013 dated 19.11.2013 on the file of the Judicial Magistrate Court, Tambaram, Chennai. However, the petitioner is at liberty to file a protest petition before the Judicial Magistrate, Tambaram, within a period of two weeks from the date of receipt of a copy of this order. On filing of such petition, the learned Judicial Magistrate is directed to pass an appropriate order on the said petition.

5. With the above observation, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

srn

To

- 1.The Judicial Magistrate, Tambaram.
2. -do- Through The Chief Judicial Magistrate, Egmore, Chennai-8
- 3.The Sub Inspector of Police,
S-5, Pallavaram Police Station,
Crime, Chennai 600 043
4. The Public Prosecutor
High Court, Madras.

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MG(CO)
EU 12.02.16