

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM:

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

Crl.R.C.No.297 of 2016
and
Crl.M.P.No.10436 of 2016

Poornam
W/o.Karunanidhi

... Petitioner

Vs.

1. R.Raja
S/o.Ramasami

2. R.Mani
S/o.Ramasami

3. Thenmozhi
D/o.Veerabathiran

4. Jayavijaya Bhoopathi
S/o.Sathapillai

5. Murugaperumal

6. Eswaran
Inspector of Police,
(formerly working at Bhavani)
Now working at South Police Station,
Erode.

7. V.Manikkam

... Respondents

Criminal Revision filed under Section 397 and 401 of Cr.P.C.
against the order of learned Judicial Magistrate, Bhavani,
passed in Crl.M.P.No.3636 of 2015 on 07.12.2015.

For Petitioner : Mr.P.Tamilavel

For Respondents : Mr.A.Thiyagarajan [R1 to R3]
M.R.Ravichandran,
Government Advocate
[Crl.side] [R6]
No appearance [R4, R5 and R7]

O R D E R

This revision challenges the order of learned Judicial Magistrate, Bhavani, passed in Crl.M.P.No.3636 of 2015 on 07.12.2015.

2. Heard learned counsel for petitioner and learned counsel for respondents 1 to 3 and learned Government Advocate [Crl.side] for sixth respondent. No appearance for respondents 4, 5 and 7.

3. On a perusal of the order under challenge, this Court finds that on receipt of a report called for by it u/s.202 Cr.P.C., Court below has passed the order under challenge. Submission of learned counsel for petitioner that petitioner/complainant's absence before the Court below arose in circumstances where the case repeatedly was adjourned for want of such report is a tenable one.

The Criminal Revision Case is allowed. The order of learned Judicial Magistrate, Bhavani, passed in Crl.M.P.No.3636 of 2015 on 07.12.2015, is set aside. Court below is directed to furnish a copy of the report received by it from the Deputy Superintendent of Police, Bhavani, to petitioner, permit him to raise contentions there against and thereafter, proceed to pass a fresh order on merits. It will be open to the investigative agency to register a case against petitioner and others if prima facie it appears that they are guilty of wrong doing and proceed there regards in accordance with law. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dpq/gm

To

1.The Judicial Magistrate,
Bhavani.

2.The Deputy Superintendent of Police,
Bhavani.

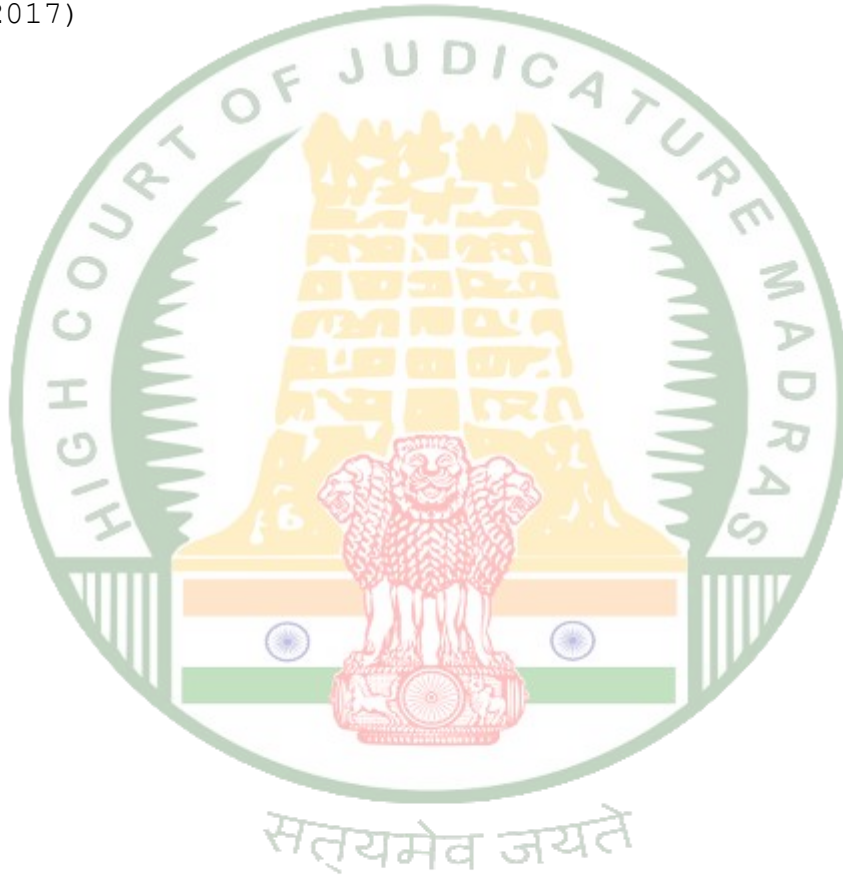
3.The Inspector of Police,
South Police Station,
Erode.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Tamilavel, Advocate, S.R.No.70777
+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.70794

CrI.R.C.No.297 of 2016
and
CrI.M.P.No.10436 of 2016

KJI (CO)
CA(22/02/2017)



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