

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CrI.R.C.No.5 of 2016

&

CrI.MP.No.30 of 2016

1.Mohanraj

2.P.Natarajan

3.N.Banumathi

4.N.Geethakumari

... Petitioners

vs.

State represented by
Inspector of Police,
All Women Police Station
Palladam, Tiruppur District
(Crime NO.11 of 2015)

... Respondent

Criminal Revision filed under section 397 and 401 Cr.P.C.
against the judgment of learned Judicial Magistrate, Palladam in
Cr.M.P.No.7694 of 2015 in C.C.No.67 of 2011 on 04.12.2015.

For Petitioners : Mr.N.Manokaran

For Respondent : Mr.C.Iyyapparaj
Government Advocate [CrI.side]

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O R D E R

This revision arises against the order of learned Judicial
Magistrate, Palladam, passed in Cr.M.P.No.7694 of 2015 in
C.C.No.67 of 2011 on 04.12.2015.

2. Learned counsel for petitioners submits that petitioners are accused in case pending trial in C.C.No.6 of 2011 on the file of learned Judicial Magistrate, Palladam. The grievance of the petitioners is that an application moved by prosecution u/s. 173(8) seeking further investigation came to be allowed without notice to them.

3. Heard learned Government Advocate (Crl.side) on the above submissions.

4. This Court finds merit in the submission of learned counsel for petitioners. This Criminal Revision shall stand allowed and the order of learned Judicial Magistrate, Palladam, passed in Cr.M.P.No.7694 of 2015 in C.C.No.67 of 2011 on 04.12.2015, shall stand set aside. The matter shall stand remitted back to the trial court for fresh consideration and disposal on merits after issuing notice to the accused in the case. It is made clear that it would be open to the trial court to arrive at the very same decision which it had entered upon earlier, but after causing notice to the accused. No such notice would have been necessary in a case where further investigation u/s. 173(8) Cr.P.C is directed, prior to taking cognizance of the offence. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate, Palladam

2.The Inspector of Police,
All Women Police Station
Palladam, Tiruppur District

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.N.Manokaran Advocate sr.1701/16

Crl.R.C.No.5 of 2016

aa27/02/2016