

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.91 of 2016

R.Vivekanandan  
S/o.G.Ramalingam

... Petitioner

vs.

1.State represented by  
The Inspector of Police,  
Oragadam Police Station,  
Kanchipuram District.

2.Radha @ Malaipattu Radha  
S/o.Perumal Naikar,  
Malaipattu Village.

3.Anai Panneer Selvam,  
S/o.Anai Muthu

4.Velu @ Velusamy  
S/o.Nandagopal

5.Achan Kunjan  
S/o.Kunju Kutty

6.Sundar  
S/o.Irulappan

7.Ravi  
S/o.Hari Babu

8.Sambandam  
S/o.Adimulam

... Respondents

Criminal Revision filed under section 397 & 401 of the Code of Criminal Procedure, against the order of learned District Munsif cum Judicial Magistrate, Sriperumbudur, passed in C.C.No.234 of 2009 on 12.04.2014.

For Petitioner :Mr.S.Shankar

For Respondents:Mr.C.Iyyapparaj,  
Government Advocate [Crl.side] [R1]

O R D E R

This revision arises against the order of learned District Munsif cum Judicial Magistrate, Sriperumbudur, passed in C.C.No.234 of 2009 on 12.04.2014.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side] for the State.

3. Given the patent illegality in the order of the Court below, this Court does not consider it necessary to issue notice to respondents 2 to 8/accused. The order under challenge reads thus:

"Case is pending from the year 2008 offence u/s.147, 452, 323, 506(ii) IPC, 109, 149 IPC. Summon not served, NBW not executed so far an accused. There is no progress in the case. Therefore the proceedings in this case is hereby dropped u/s.258 Cr.P.C. and in view of the judgment reported in 1996 AIR 1619

"Common Cause" A Registered Society through its Director

-vs-

"Union of India and others"

Hence the accused is discharged and the case is closed."

4. The case warrants the procedure prescribed under Chapter XIX and particularly Chapter XIX-A of the Criminal Procedure Code. Resort to Section 258 Cr.P.C. to stop proceedings is reserved only to trial of summons case under Chapter XX of the Criminal Procedure Code.

This Criminal Revision shall stand allowed. The order of learned District Munsif cum Judicial Magistrate, Sriperumbudur, passed in C.C.No.234 of 2009 on 12.04.2014, shall stand set aside. The Court below shall now cause notice to the respondents 2 to 8/accused and proceed further in accordance with law. As observed by the Court below, this matter has unduly been pending before it. In the circumstance, there shall be a direction to the trial Court to dispose of the case in C.C.No.234 of 2009 as expeditiously as possible and in any event within a period of six months from the date of receipt of this order.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

gm

To

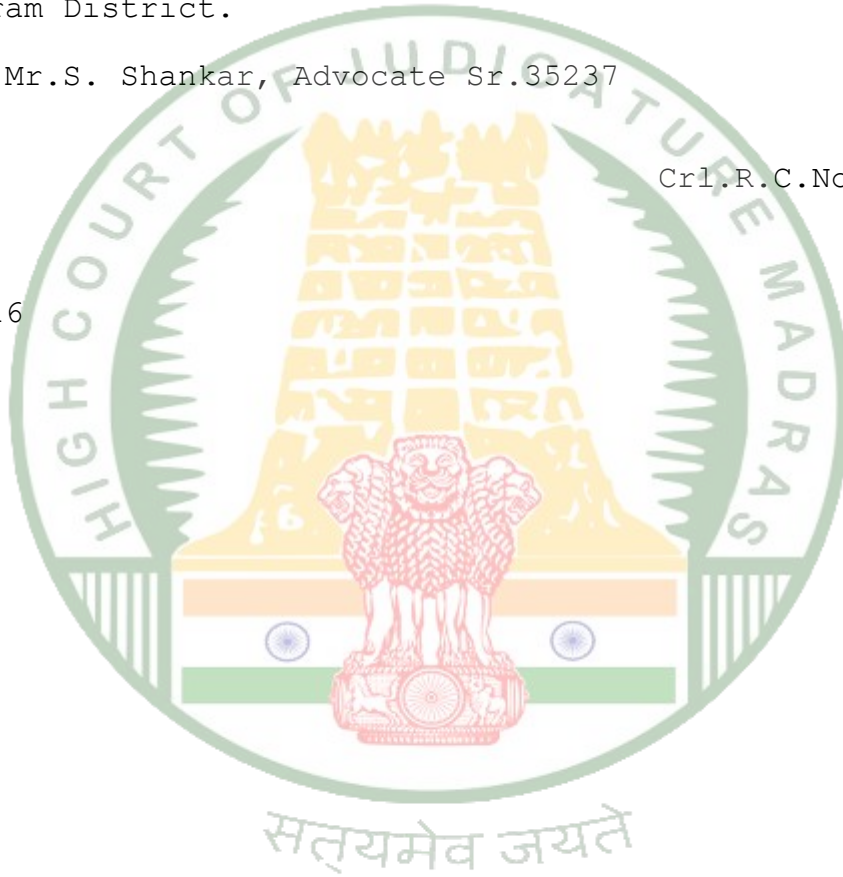
1. The District Munsif cum  
Judicial Magistrate,  
Sriperumbudur.

2. The Inspector of Police,  
Oragadam Police Station,  
Kancheepuram District.

+ 1 cc to Mr.S. Shankar, Advocate Sr.35237

Crl.R.C.No.91 of 2016

KK(CO)  
Eu 12.02.16



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