

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.29891 of 2015
and
M.P.No.1 of 2015

S.Siva ... Petitioner/Accused

Vs.

The Inspector of Police,
(W32 All Women Police Station),
Madipakkam, Chennai. ... Respondent/Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the learned Judicial Magistrate at Alandur, Chennai, to take the memo dated 29.04.2015 in C.M.P.no.8935/2009 in C.C.No.803 of 2007 and proceed further as per law.

For Petitioner : Mr.S.Siva (party-in-person)

For Respondent : Mr.C.Emalias, APP
* * * * *

ORDER

This petition has been filed by the petitioner praying to direct the learned Judicial Magistrate, Alandur, Chennai, to take the memo dated 29.04.2015 in C.M.P.No.8935/2009 in C.C.No.803/2007 and to proceed further as per law.

2.The petitioner herein is an accused in the criminal case in C.C.No.803 of 2007 pending on the file of the learned Judicial Magistra, Alandur, for the alleged offences punishable under Sections 498(A), 406 & 506(ii) IPC. In the said case, the petitioner has filed a discharge petition in C.M.P.No.8935 of 2009. The petitioner filed memo dated 29.04.2015, to mark certain documents. But, the said memo was returned by the learned Magistrate. Hence, the petitioner has come forward with the present petition before this Court.

3.The learned Additional Public Prosecutor opposed the prayer of the petitioner, stating that the documents filed along with the memo are not part of the records of the case in C.C.No.803/2007, that is why, the memo was returned.

4.In view of the submission made by the learned Additional Public Prosecutor, I do not find any infirmity in the order returning the memo filed by the petitioner, since the petitioner has to argue his discharge petition only based on the evidence already available on record. Hence, I am not inclined to give any direction in this petition as sought for by the petitioner and the petition is liable to be dismissed.

In fine, the criminal original petition is dismissed. Consequently, connected Miscellaneous Petition is closed.
ssv

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
(W32 All Women Police Station),
Madipakkam, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Siva, Party in Person SR 1317

sr(co)
prk9/2

Crl.O.P.No.29891 of 2015



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