

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP. No.9587 of 2016

and

Crl.M.P.No.4948 of 2016

Kannappa Chettiar ...Petitioner/Respondent

Vs.

S.Muralidharan ..Respondent/Petitioner

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records and set aside the order dated 05.04.2016 made in Crl.M.P.No.7999 of 2015 passed by the learned Principal District Judge, Villupuram.

For Petitioner:Mr.G.Krishnakumar

ORDER

This petition has been filed to call for the records and set aside the order dated 05.04.2016 made in Crl.M.P.No.7999 of 2015 passed by the learned Principal District Judge, Villupuram.

2. Heard the learned counsel appearing for the petitioner.

3. It is seen that the petitioner filed a private complaint in C.M.P.No.8087 of 2014, before the learned Judicial Magistrate, Gingee, in which, an order was passed on 15.09.2014, challenging which, the respondent filed Crl.R.P.No. 60 of 2014 through the Public Prosecutor of the District and withdrew the same on 28.08.2015. Thereafter, the respondent engaged a private counsel and filed a fresh criminal revision petition with a delay of 351 days. The condone delay application in C.M.P.No. 7999 of 2015 in unnumbered C.R.P.No. --- of 2015 was taken on file by the learned Principal Sessions Judge, Villupuram. After hearing both parties, the delay was condoned and the petition was

allowed on 05.04.2016, challenging which, the petitioner is before this Court.

4. In the considered opinion of this Court, the order dated 05.04.2016 does not suffer from any serious infirmity, inasmuch as the respondent ought not to have filed the Criminal Revision case engaging the services of the Public Prosecutor. All these facts were taken into consideration and the learned Principal Sessions Judge, Villupuram, had condoned the delay in C.M.P.No. 7999 of 2015 on 05.04.2016.

5. Under such circumstances, this Court is of the view that it is not a fit case to interfere at this stage and it is suffice to issue a direction to the learned Principal Sessions Judge, Villupuram, to complete the proceedings in the main Criminal Revision Petition within a period six months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

sms

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Principal District and Sessions Judge,
Villupuram.

+ 1 cc to Mr.G.Krishnakumar, Advocate Sr 29705

KR/15/6/16

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