

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 20.11.2017****CORAM:****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.Nos.10106 & 10107 of 2016****and****Crl.M.P.Nos.5380, 5381, 11717 & 11718 of 2016**

Sakuntala ... Petitioner in Crl.No.10106/2017

Babu Janardhanan
Veeraragavan ... Petitioners in Crl.No.10107/2017

Vs.

T.Mahalakshmi ... Respondent in both Petitions

PRAYER in Crl.No.10106/2017: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 10.10.2014 passed by the learned IIIrd Additional Sessions Judge, City Civil Court, Chennai in Crl.RC.No.9 of 2014, setting aside the order dated 30.05.2013 in Crl.M.P.No.2023/2012 in C.C.No.6237 of 2011 passed by the Hon'ble XI Metropolitan Magistrate and remit the case before the Hon'ble IIIrd Additional Sessions Judge to pass suitable orders after hearing the petitioner.

PRAYER in Crl.No.10107/2017: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 10.10.2014 passed by the learned IIIrd Additional Sessions Judge,

City Civil Court, Chennai in Crl.RC.No.2 of 2014 confirming the order dated 19.12.2013 in Crl.M.P.No.5741/2013 in C.C.No.6237 of 2011 passed by the Hon'ble XI Metropolitan Magistrate and remit the case before the Hon'ble IIIrd Additional Sessions Judge to pass suitable order after hearing the petitioner.

For Petitioners : Mr.A.S.Balaji
in both petitions

For Respondent : Mr.S.Anand
in both petitions

COMMON ORDER

The prayer sought for in Crl.No.10106/2017 is to set aside the order dated 10.10.2014 passed by the learned IIIrd Additional Sessions Judge, City Civil Court, Chennai in Crl.RC.No.9 of 2014, setting aside the order dated 30.05.2013 in Crl.M.P.No.2023/2012 in C.C.No.6237 of 2011 passed by the XI Metropolitan Magistrate and remit the case before the IIIrd Additional Sessions Judge to pass suitable orders after hearing the petitioner.

2. The prayer sought for in Crl.No.10107/2017 is to set aside the order dated 10.10.2014 passed by the learned IIIrd Additional Sessions Judge, City Civil Court, Chennai in Crl.RC.No.2 of 2014 confirming the order dated 19.12.2013 in Crl.M.P.No.5741/2013 in

C.C.No.6237 of 2011 passed by the XI Metropolitan Magistrate and remit the case before the IIIrd Additional Sessions Judge to pass suitable order after hearing the petitioner.

3. By a common order passed in CrI.RC.No.9 of 2014 and CrI.RC.No.2 of 2014, the third accused was discharged from the offences and discharge petition of Sakunthala was allowed and the discharge petition of Babu Janarthanan, Veeraragavan and namely the first and second accused was dismissed.

4. The main ground raised by the learned counsel for the first and second accused is that, they did not have an opportunity of being heard before the Revision Court.

5. Today, when the matters were called, both the counsels submitted that both the Revisions may be remanded back to the Sessions Court and after giving an opportunity of hearing to the learned counsel for the accused, the Revision may be directed to be disposed of.

6. In view of the, above submission made by both the counsels, it would be appropriate that the matter be remanded and the counsel for the accused be given an opportunity of hearing.

7. In the result, both the Criminal Original Petitions are disposed of in the following manner:

Crl.RC.No.9 of 2014 order dated 10.10.2014 and Crl.RC.No.2 of 2014 order dated 10.10.2014 are set aside and the matters are remanded back to the learned III Additional Sessions Judge Chennai, for fresh consideration, after giving due opportunity of hearing to both the counsels and final orders shall be passed within a period of three months from the date of receipt of a copy of this order.

Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No

Internet: Yes/No

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NOTE: Issue order copy on 27.11.2017

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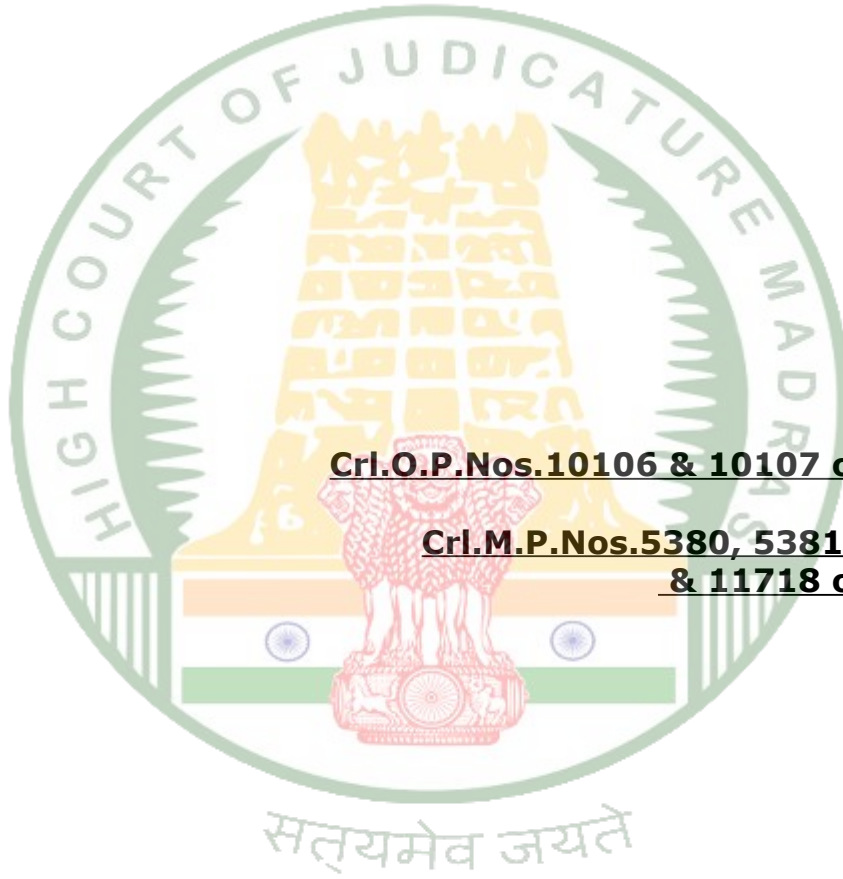
- 1.The III Additional Sessions Court,
City Civil Court, Chennai
- 2.The learned XI Metropolitan Magistrate,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH.J,

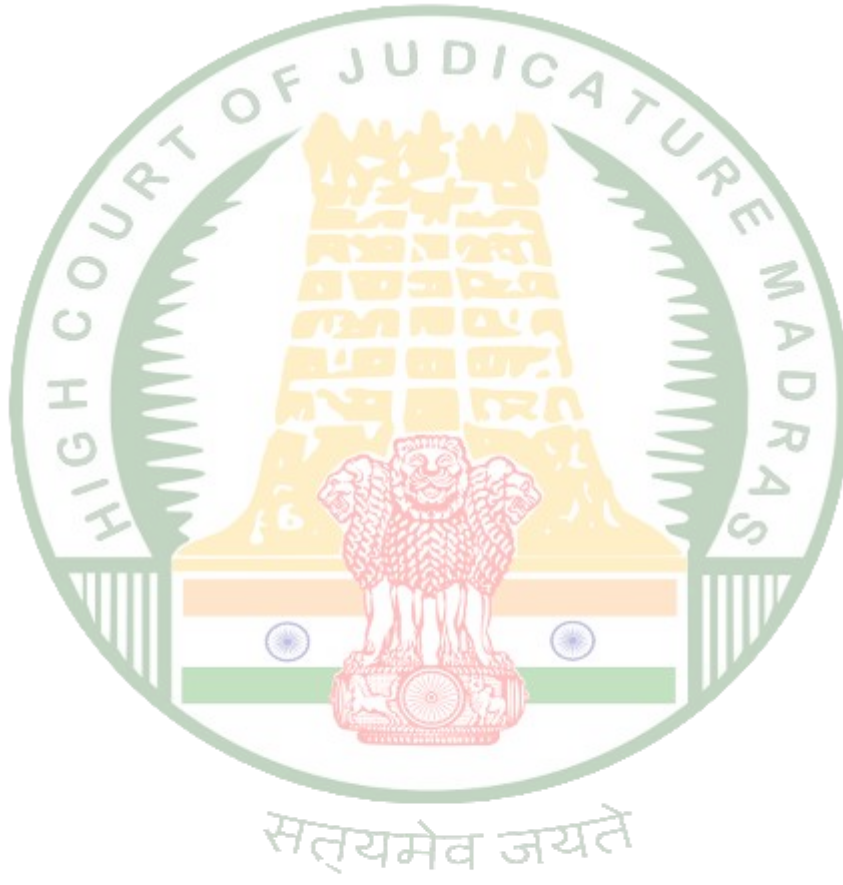
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