

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Criminal Appeal No.441 of 2017

D.Arun

... Appellant/Petitioner

versus

P.Subramani

... Respondent/Accused

Prayer: Criminal Appeal filed under Section 341 of the Code of Criminal Procedure, to set aside the order dated 12.06.2017 passed in CrI.M.P.No.697 of 2017, on the file of the learned Judicial Magistrate, Katpadi. Pleaded to take necessary and essential legal actions against a.) The 1st, 2nd respondent for involved in the criminal activities against the petitioner, b.) for with willfully intently furnished of false evidences in the open court by the 1st and 2nd respondents against the petitioner, c.) U/S 294 (b), 323, & 325 of I.P.C. 1860 with fine with punishments to pass against the 1st, 2nd respondents for punishment passed to the petitioner and d.) to recommend to the police department to take necessary and essential legal action against the 2nd respondent for involved in the criminal activities (false evidence's had funished with willfully & intently in the open court by received money, false recorded evidence's produced false witness's) against the petitioner.

For Appellant : Mr.D.Arun
[Party-in-person]

J U D G M E N T
सत्यमेव जयते

Heard party-in-person.

2. It is seen from the records that this Appeal has been preferred against the order dated 12.06.2017 passed by the learned Judicial Magistrate, Katpadi in CrI.M.P.No.697 of 2017 in C.C.Nos.162 of 2010 and 31 of 2014 passed in terms of Section 340 of Cr.P.C. Aggrieved by the order refusing to make a complaint for the offence covered by Section 195 (b)(i) of Cr.P.C., the present appeal has been filed.

3. A reading of Section 341 [1] of Cr.P.C. would show that any person aggrieved by an order under Section 340 of Cr.P.C. passed by the First Court may file an appeal to the

Court to which the First Court is subordinate within the meaning of Section 195 [4] of Cr.P.C. As per Section 195 [4] of Cr.P.C. a Court shall be deemed to subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court.

4. In the case at hand, the impugned order has been passed by the learned Judicial Magistrate, Katpadi and that, therefore appeal lies against the said order to the Sessions Court, within whose jurisdiction the Court of the said Magistrate is situate. Therefore, the appeal petition is ordered to be returned to the appellant for presentation to the Sessions Court, in which, the appeal should have been filed. This Appeal is ordered accordingly.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sri

To

1. The Judicial Magistrate,
Katpadi.

+1cc to D.Arun(Party in Person), Advocate in sr.no.55290

Criminal Appeal No.441 of 2017

PVS(CO)
NR 29/08/2017

सत्यमेव जयते

WEB COPY