

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.O.P.No.6643 of 2014

Rajee,
S/o.Thoppaih Gounder .. Petitioner

Vs.

- 1.The State rep. by its
The Sub-Inspector of Police,
Triuvannamalai Town Police Station,
Tiruvannamalai (District)
(Crime No.726 of 2008).
- 2.Chinnadurai,
S/o. Thoppaiah Gounder.
- 3.Ravishankar,
S/o. Chinnadurai.
- 4.Lenin,
S/o.Dhandapani.
- 5.Sanjay Gandhi,
S/o.Govindasamy. .. Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for records in C.C.No.235/2011 on the file of the learned Judicial Magistrate No.1, Tiruvannamalai, Tiruvannamalai District and set aside the docket sheet orders dated 29.01.2013 made therein and consequently order to restore the said calendar case on its file in order to proceed further in the case in accordance with law.

For Petitioner : Mr.G.Saravanan.

For Respondents: Mr.Mohammed Riyaz
Government Advocate [CrI.side][R1]

O R D E R

Petitioner challenges the docket order dated 29.01.2013 in C.C.No.235/2011 passed by learned Judicial Magistrate I, Tiruvannamalai, Tiruvannamalai District.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side] for first respondent.

3. A reading of the order under challenge reveals that the Magistrate has proceeded on the erroneous impression that the matter arises out of a private complaint. The case is one wherein a final report has been filed. In the circumstances, this Court would set aside the order under challenge.

Accordingly, the Criminal Original Petition is allowed. The docket order dated 29.01.2013 in C.C.No.235/2011 passed by learned Judicial Magistrate No.1, Tiruvannamalai, Tiruvannamalai District, is set aside. Court below is directed to proceed from the stage at which the case stood on the date of the order under challenge.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1 The Judicial Magistrate I,
Tiruvannamalai,
Tiruvannamalai District.

2 The section officer,
Criminal Section, High Court, Chennai.

+1cc to Mr.G.Saravanan, Advocate SR.No.21209

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SDR 19.04.2017