

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.O.P.No.7728 of 2017

And

Crl.M.P.No.5582 of 2017

E.R.Rajendran .. Petitioner/Accused

Vs.

G.D.Selvaraj .. Respondent/Complainant

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the order dated 04.03.2017 made in Crl.R.P.No.43 of 2016 confirming the order dated 21.11.2016 made in Crl.M.P.Nos.5071 to 5073 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode set aside the same by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manokaran

ORDER

Petitioner seeks to set aside the order dated 04.03.2017 made in Crl.R.P.No.43 of 2016 confirming the order dated 21.11.2016 made in Crl.M.P.Nos.5071 to 5073 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode.

2.Heard learned counsel for petitioner. In view of the nature of the order that is going to be passed in this petition, this Court does not consider it necessary to issue notice to the respondent.

3.Perusal of the records shows that the petitioner is the accused in S.T.C.No.185 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode. He filed petitions in Crl.M.P.Nos.5071 to 5073 of 2016 under Section 311 of Cr.P.C. seeking to reopen the case; under Section 45 of the Evidence Act to get an expert opinion and under Section 91 of Cr.P.C. to send for the cheque produced in STC No.546 of 2013. They were dismissed by learned Judicial Magistrate, Fast Track

Court No.1, Erode. Challenging the same, he filed CrI.R.P.No.43 of 2016 before the learned Second Additional Sessions Judge, Erode and it was also dismissed. Challenging the same, the petitioner has filed this petition.

4.This Court is of the view that under the guise of the criminal original petition, the petitioner has filed a second revision which is barred by Section 397 of Cr.P.C. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Fast Track Court No.1, Erode.
2. Do Through the chief Judicial Magistrate,
Erode.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

Copy to :

The II Additional Judge, Erode.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.24110

CrI.O.P.No.7728 of 2017

And

CrI.M.P.No.5582 of 2017

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