

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM:

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

Crl.R.C.No.891 of 2016

M.K.Mohamed Ismail
S/o.Kasim Sahib

.. Petitioner

vs.

1.State represented by
Sub Inspector of Police,
Tindivanam Police Station,
Villupuram District.
Crime No.297 of 2012

2.Venkatraman

3.Thyagarajan

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the docket order of learned Judicial Magistrate I, Tindivanam, passed in Crime No.297 of 2013 on the file of first respondent dated 08.03.2016.

For Petitioner : Ms.M.Kalyani

For Respondents : Mr.M.Mohammed Riyaz
Government Advocate (Crl.side) [R1]
Mr.N.Suresh [R2]
No appearance [R3]

ORDER

This revision arises against the docket order of learned Judicial Magistrate I, Tindivanam, passed in Crime No.297 of 2013 on the file of first respondent dated 08.03.2016.

2. Heard learned counsel for petitioner, learned Government Advocate [Crl.side] for first respondent and learned counsel for second respondent. There is no appearance for third respondent.

3. By the order under challenge, the Court below has accepted the report of the first respondent police informing closure of the case registered in Crime No.297 of 2013 on the ground that no progress in investigation has been made and further action has been dropped. This has been done on the reasoning that the offence complained of was under the Juvenile Justice (Care and Protection of Children) Act, 2000, punishable with imprisonment of six months or fine or both and the period prescribed under Section 468 Cr.P.C. for taking cognizance had lapsed. The order under challenge is to be set aside for the reason that in quash petition preferred by the accused in Crl.O.P.No.8040 of 2013, an order of interim stay has been granted by this Court in M.P.No.1 of 2013 on 02.04.2013. In the face of such order, the filing of final report in the

case and consideration thereof by the Court below would have to await the final decision in Crl.O.P.No.8040 of 2013 or the vacation of interim stay granted therein.

The Criminal Revision Case shall stand allowed. The docket order of learned Judicial Magistrate I, Tindivanam, passed in Crime No.297 of 2013 on the file of first respondent dated 08.03.2016, shall stand set aside.

02.01.2017

Index:yes/no
Internet:yes/no
gm

To

- 1.The Judicial Magistrate I,
Tindivanam.
- 2.The Sub Inspector of Police,
Tindivanam Police Station,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

C.T. SELVAM, J

gm

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