



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2017

CORAM:

THE HON'BLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.R.C. (MD)No.279 of 2017

WEB COPY

S.Sivarajan

... Petitioner

Vs.

1.S.Arumugam

2.P.Senthurai

3.Senthilbabu

... Respondents

Prayer: This Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code to set aside the order dated 16.12.2016 made in Cr.M.P.No.4773 of 2016 on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District.

For Petitioner : Mr.G.Maruthiah

For Respondents : No Appearance

O R D E R

This Criminal Revision case is filed to set aside the order dated 16.12.2016 made in Cr.M.P.No.4773 of 2016 by the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District.

2.The learned counsel for the petitioner submitted that an application filed under Section 156 Cr.P.C. by the revision petitioner before the Trial Court was simply dismissed on the ground that the direction issued by this Court in **2016(5) CTC 577 Madras and 2015(3) MPW (Crime) 171 SC** are not followed by the petitioner herein.

3.The learned counsel for the petitioner has admitted that the petitioner has chosen to file an affidavit along with impugned petition and after dismissal of the said application before concerned Court, the same was returned by the concerned Court on 04.1.2017 stating that the petition was returned since earlier application was already dismissed. The learned counsel for the petitioner further submitted that the concerned Police, who has conducted investigation, has also not added as party in the impugned application, which was filed before the concerned Judicial Magistrate and hence, requests this Court that the petitioner herein may be permitted to file proper application after impleading the concerned Police in this said petition.

4.In the above said circumstances, this Court is inclined to set aside the order dated 16.12.2016 in Cr.M.P.No.4773 of 2016 passed by the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District, and remand the matter back to the concerned



Court to consider the grievance raised by the petitioner herein after giving opportunity to file a proper application in proper form and dispose of the same in accordance with law.

5. This Criminal Revision Case is ordered accordingly.

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Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.II,
Srivilliputhur,
Virudhunagar District.

+1 CC to MR.G.MARUTHIAH, Advocate, SR No. 17670

GNS

PSM/KP/SAR3/18.04.2017/2P/3C

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