



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2017

CORAM:

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THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.R.C.(MD)No.609 of 2017

Pius

... Petitioner/Complainant

Vs.

1.Singarajan
2.Meenakshi
3.Muthukrishnan
4.Rajakumar
5.P.Karar Vedhakan

... Respondents/Accused

PRAYER: The Criminal Revision case filed under Section 397(1) r/w 401 of Cr.P.C., to set aside the order dated 08.02.2017 passed in unnumbered Cr.M.P.No. .. of 2017 by the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District.

For Petitioner : Mr.A.Thiruvadi Kumar
For Respondents : No appearance

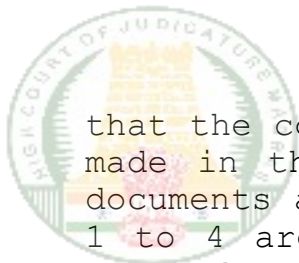
O R D E R

The Criminal Revision Case is filed to set aside the order dated 08.02.2017 passed in unnumbered Criminal Miscellaneous petition by the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District.

2.The learned counsel for the petitioner is present and heard.

3.The learned counsel for the petitioner submitted that the disputed property in this case was purchased by the petitioner's wife and A1 is the attesting witness in the said sale deed. Thereafter, A2 with dishonest intention has executed a forged power of attorney in favour of A1, who in turn executed a sale deed in favour of A4. Further, A3 is the attesting witness in the said power of attorney deed. Hence, the petitioner has filed an application before the learned Judicial Magistrate under Section 156(3) for registering a case which was rejected by the impugned order dated 08.02.2017.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The learned Judicial Magistrate, without considering the allegations levelled against the accused persons, has passed a docket order, without assigning any valid reason, but simply stating



that the complaint relates to civil in nature. Hence, the averments made in the complaint and also the allegations in respect of the documents are not considered in the impugned order. The respondents 1 to 4 are shown as accused in this case. Hence, notice to the respondents 1 to 4 is not necessary at the admission stage.

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5.As the impugned order passed by the learned Judicial Magistrate is a docket order and it is a non speaking order in respect of the allegations, the said order is set aside and the matter is remanded back to the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District for fresh disposal in accordance with law. The learned Judicial Magistrate is directed to consider the allegations and also the documents produced in support of the said allegations and pass a speaking order after hearing the petitioner.

6.The Criminal Revision case is ordered accordingly.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.II,
Kuzhithurai, Kanyakumari District.

+ 1 CC TO Mr.A.THIRUVADI KUMAR, ADVOCATE IN SR No. 90785.

NBJ

TE/MR-KKR/SAR-2 : 15/12/2017 : 2P/3C

Cr1.R.C. (MD) No.609 of 2017
04.12.2017