



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.01.2017
CORAM

THE HONOURABLE MR.JUSTICE B.GOKULDAS

WEB COPY

CRL.R.C. (MD) No.853 of 2016

M.Annadurai

.. Petitioner

Vs.

1. State. Rep. by the Inspector of Police,
City Crime Branch, Trichy.

2. Prabakaran

.. Respondents

Prayer: Criminal Revision petition filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the return order passed by the learned Judicial Magistrate No.IV, Trichy in unnumbered Cr.M.P.D.No.8089 of 2016, dated 22.11.2016 and to set aside the same as illegal and further direct the learned Judicial Magistrate No.IV, Trichy to number the Cr.M.P.D.No.8089 of 2016.

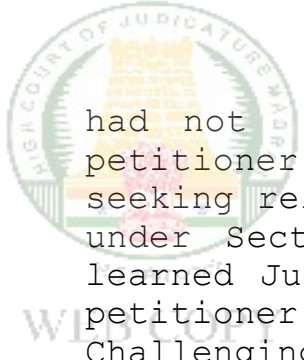
For Petitioner : Mr.K.Sivabalan
For R-1 : Mrs.S.Prabha,
Government Advocate(Crl.Side).

O R D E R

This Criminal Revision petition has been filed to call for the records pertaining to the return order passed by the learned Judicial Magistrate No.IV, Trichy in unnumbered Cr.M.P.D.No.8089 of 2016, dated 22.11.2016 and to set aside the same as illegal and further direct the Judicial Magistrate No.IV, Trichy to number the Cr.M.P.D.No.8089 of 2016.

2. The learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the first respondent are present and heard.

3. The case of the petitioner is that the petitioner gave Rs.2,00,000/- as hand loan to the second respondent. On 31.08.2016, the petitioner asked for repayment of the said amount, the second respondent issued a Bharath Overseas Bank Bearing No.698552 on 01.09.2016. The petitioner put the said cheque for collection and the same was returned on 14.09.2016. Therefore, the petitioner sent a complaint on 27.10.2016 to the City Crime Branch and to the Commissioner of Police. However, the respondent police



had not conducted any enquiry on his complaint. Hence, the petitioner filed a complaint under Section 200 of Cr.P.C., for seeking relief of forwarding his complaint to the first respondent under Section 156(3) of Cr.P.C., and the same returned by the learned Judicial Magistrate No.IV, Trichy, on the ground that the petitioner had not given complaint under Section 154 of Cr.P.C. Challenging the same, the petitioner has preferred the present Criminal Revision petition.

4. On perusal of the report received from the learned Judicial Magistrate No.IV, Tiruchirappalli, it is seen that no petition which has been filed by the petitioner is pending before the learned Judicial Magistrate concerned and unnumbered Crl.M.P.(MD) No.8089 of 2016 was returned by the learned Judicial Magistrate and the same was received by the petitioner.

5. In such circumstances, this Court do not find any merits in this Revision. Hence, the Criminal Revision petition is dismissed with liberty to take further action by the petitioner in accordance with law.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The State. Rep. by the Inspector of Police,
City Crime Branch, Trichy.
 2. The Judicial Magistrate No.IV, Trichy.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.SIVABALAN, Advocate, SR No. 4256
PMU
PSM/MMS/05.05.2017/2P/5C

ORDER MADE IN
CRL.R.C. (MD) No.853 of 2016
23.01.2017