

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

CrI.R.C.No.157 of 2018

and CrI.M.P.No.1267 of 2018

1.B.R.Ahmed Basha
2.Hasina

.. Petitioners

Vs.

B.Kadir Ahmed

.. Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. praying to set aside the order passed in M.P.No.4917 of 2016 in C.C.No.564 of 2015 dated 28.07.2017 on the file the XVII Metropolitan Magistrate, Saidapet, Chennai and discharge the petitioners.

For Petitioner : Mr.V.Sivaperuman

O R D E R

This revision has been filed to set aside the order dated 28.07.2017 made in MP.No.4917 of 2016 in C.C.No.564 of 2015 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai.

2. After some elaborate arguments, the learned counsel appearing for the petitioner sought to set aside the order of the petition in M.P.No.4917 of 2016 in C.C.No.564 of 2015 and the same may be remanded back to the Trial Court for fresh consideration.

3. Considering the submission made by the learned counsel for the petitioner, this Court is not inclined to entertain the civil revision petition, since the order was passed by the learned Magistrate on the only ground that the accused A1 and A2 have not produced any oral and documentary evidence before the trial Court in the discharge petition. Hence, the impugned order passed in M.P.No.4917 of 2016 in C.C.No.564 of 2015 dated 28.07.2017 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai, is hereby set aside.

4. In view of the above, the matter is remanded to the XVII Metropolitan Magistrate, Saidapet, Chennai. The said Magistrate is directed to take up the matter for fresh consideration, within a period of two months from the date of receipt of a copy of this order, on giving notice to all the parties concerned. The petitioners are at liberty to produce the oral and documentary evidence, if any, in the said discharge petition. The learned Magistrate is directed to pass orders and to report the same before this Court, within ten days from the date of passing the Judgment.

This criminal revision is allowed with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

/true copy/

Sub Asst. Registrar

kkd

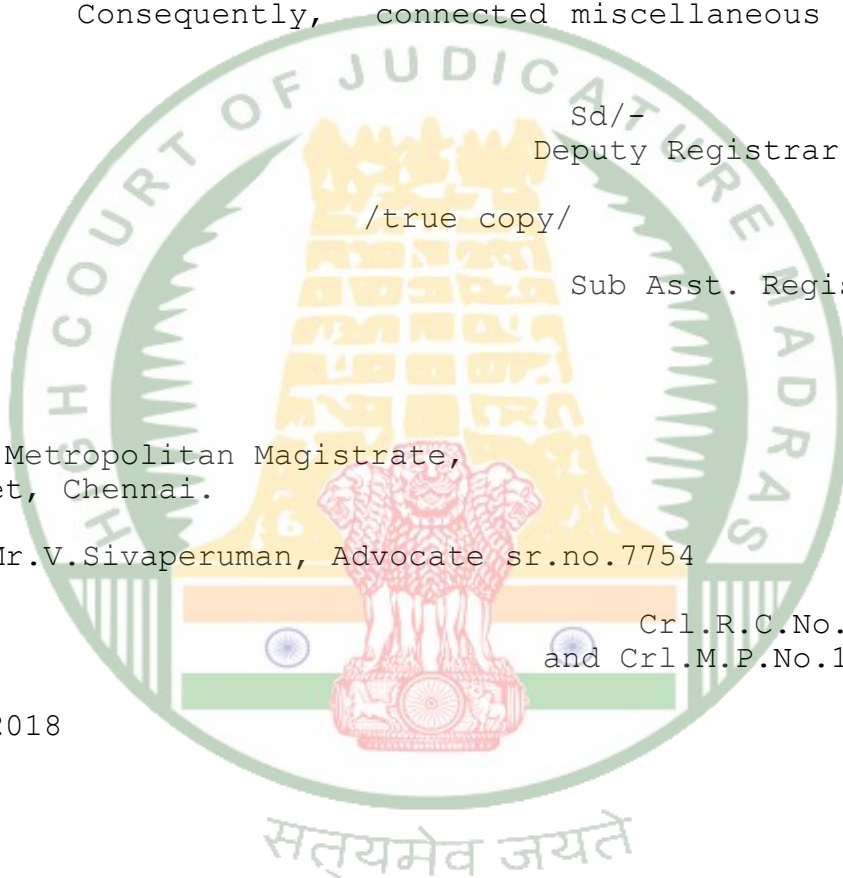
To

The XVIII Metropolitan Magistrate,
Saidapet, Chennai.

+2cc to Mr.V.Sivaperuman, Advocate sr.no.7754

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nr 27/02/2018



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