

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.1046 of 2014

and

Crl.M.P.No.7701 of 2018

and

M.P.No.1 of 2014

Vijayan Rajes

.... Petitioner/Accused No.1

... Vs ...

1. Mohan Rajes

.... 1st Respondent/Complainant

2. Y.Amalanathan

.... 2nd Respondent/Accused No.2

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C., against the order dated 14.08.2014 passed by the learned Judicial Magistrate No.I, Salem, in C.M.P.No.7073 of 2013 in C.C.No.396 of 1998.

For Petitioner : Mr.S.Kalyanaraman

For R-1

: Mr.S.Sethuraman

ORDER

By consent of both parties, this criminal revision case is taken up for final disposal.

2. This Criminal Revision Case is filed against the order dated 14.08.2014 passed by the learned Judicial Magistrate No.I, Salem, in C.M.P.No.7073 of 2013 in C.C.No.396 of 1998, allowing the petition filed by the complainant under Section 45 of the Indian Evidence Act.

3. The short point that arises for consideration is whether the order passed by the trial Court is in consonance with the order passed by this Court in Crl.R.C.No.217 of 2008 dated 04.12.2012, wherein, this Court has held that the Transfer of Ownership form is available with the R.T.O. office. In that event, the same may be called for and the signature found in the

original transfer of ownership form has to be compared with instead of relying upon the Xerox copy. It appears that the learned Magistrate has not properly appraised the spirit of the order. Without going into the rival contentions, I am of the considered view that interest of justice will be met if the send for application has to be entertained and order has to be obtained from RTO office and necessary orders be passed.

4. In that view of the matter, this Criminal Revision Case is allowed and the matter is remitted back to the trial Court for fresh disposal. Since the Calender Case is of the year 1998, the learned Judicial Magistrate No.1, Salem, is directed to dispose the case in C.M.P.No.7073 of 2013 in C.C.No.396 of 1998, as expeditiously as possible. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Jrl
To

The Judicial Magistrate No.I,
Salem.

+lcc to M/S.S.Sethuraman, Advocate Sr.42038
+lcc to M/S.S.Kalyanaraman, Advocate Sr.41500

सत्यमेव जयते

Cr1.R.C.No.1046 of 2014

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srg 09/07/2018

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