

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.461 of 2018

Karuppayan ...Petitioner/Petitioner/3rd party

..Vs..

1.State Rep.by
Inspector of Police,
Kurinjipadi Police Station,
Cr.No.146 of 2015

...1st Respondent/1st Respondent/Complainant

2.Rajkumar

...2nd Respondent/2nd Respondent/3rd Party

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.2366 of 2016 in Crime No.146 of 2015 dated 30.08.2016 by the learned Judicial Magistrate III, Cuddalore and allow the revision.

For Petitioner : Mr.S.Parthasarathy

For R1 : Mr.Hari Hara Arun Soma Sankar
Government Advocate (Crl.Side)

For R2 : No appearance

O R D E R

Heard both sides and perused the records.

2. This revision is directed against the order dated 30.08.2016 passed in Crl.M.P.No.2366 of 2016 by the learned Judicial Magistrate III, Cuddalore under Section 451 Cr.P.C., whereby Crl.M.P. was dismissed.

3. The learned counsel for the petitioner would contend that for non-production of the R.C. Book before the Magistrate, the Magistrate rejected the claim .

4. However, for want of proper advise, the same could not be produced and hence, the learned counsel for the petitioner seeks permission to produce R.C. Book before the Magistrate.

5. Taking into consideration the facts of the case and that the petitioner has brought R.C.Book, I am inclined to allow this revision. This Criminal Revision Petition is allowed accordingly. The order passed by the Magistrate is set aside and the matter is remitted back to the Judicial Magistrate III, Cuddalore for consideration afresh and in the light of the R.C.Book to be filed before the Magistrate and to pass orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate III, Cuddalore

2. Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.

3.The Chief Judicial Magistrate,
Cuddalore.

+1cc to Mr.S.Parthasarathy, Advocate sr.no.41833

Cr1.R.C.No.461 of 2018

rv(co)
nr 02/07/2018