

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.3153 of 2018
and Crl.MP. No.1430 of 2018

D.Santhoskumar

..Petitioner

Vs

State rep. by:

The Inspector of Police,
Kannankurichi Police Station,
Salem Town, Salem District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue direction to the learned I Additional District Judge, Salem to receive the petition filed by the petitioner under Section 310 Cr.PC and pass orders by following due process of law.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mrs. Kritika Kamal.P
Government Advocate (Crl.Side)

O R D E R

The prayer in the present petition is to issue direction to the learned I Additional District Judge, Salem to receive the petition filed by the petitioner under Section 310 Cr.PC and pass orders by following due process of law.

2. Heard both sides.

3. It is the grievance of the petitioner that his application filed under Section 310 of Cr.PC is being refused to receive by the learned I Additional District Judge, Salem.

4. The learned Government Advocate (Crl.side) however denies the allegations, stating that no such application was presented before the trial Court.

5. I do not wish to express any of my views with regard to the presentation or non presentation of the application.

Nevertheless, it can only be observed that if at all any petition under Section 310 Cr.P.C is made, the trial Court are bound to receive the same. Whether to take it on file or not or to pass any orders is a decision well within the jurisdiction of the trial Court. This observation is being made to enable the petitioner to present such documents, if he choses to do so.

With the above observations, the criminal original petition stands closed. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Kannankurichi Police Station,
Salem Town, Salem District.
2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Marudhachalmurthy, Advocate, S.R.No.10580

RRK(13/02/2018)

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