

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.7.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Petition No. 107 of 2015

and

MP.No.1 of 2015

Indira Gandhi

.. Petitioner

Versus

1. Sumathy

2. State rep.by Deputy Superintendent
of Police, Mamallapuram,
Kancheepuram District

.. Respondents

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the judgment dated 21.1.2015 made in C.M.P.No.213 of 2015 on the file of the learned District Munsif-cum - Judicial Magistrate, Thirukazhikundram.

For Petitioner : Mr.P.Kumaresan

For R1 : Mr.G.Magesh kumar

For R2 : Mr.V.Arul
Government Advocate (Crl.side)

ORDER

The first respondent herein has preferred complaint under Section 156 (3) of Cr.P.C. for offence under Section 166 A, 217, 218, 221, 506 (1), 294 (b), 201 of IPC and by order dated 21.1.2015, the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, directed the Deputy Superintendent of Police, Mahabalipuram to register the case. Aggrieved by the said order, the petitioner has filed this revision.

2. Today, when the Criminal Revision case is taken up for hearing, after elaborate arguments by both sides, the learned counsel for the first respondent fairly admitted that as per the Judgment of the Hon`ble Supreme Court in ***PRIYANKA SRIVASTAVA V. STATE OF UTTAR PRADESH (2015 6 SCC 287)*** while preferring complaint under Section 156 (1), an affidavit should also be accompanied and the same has not been done at the time when the complaint was presented. Therefore, the learned counsel for the first respondent seeks permission of this Court to withdraw the original complaint with liberty to file fresh complaint along with affidavit. He has also made an endorsement in the petition to that effect.

3. In view of the same, the order dated 21.1.2015 made in

C.M.P.No.213 of 2015 is set aside with liberty to the first respondent to give fresh complaint along with affidavit as per the judgment of the Hon`ble Supreme Court cited supra.

4. It is made clear that the period of pendency of this revision before this Court shall not be taken into account while calculating the period of limitation.

5. The Criminal Revision petition is ordered accordingly.
Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

B. RAJENDRAN, J

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