

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.17259 of 2018

Paramanandham

...Petitioner

Vs.

1.Manoharan
2.Bose

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C to set aside the docket order dated 20.06.2018 passed by the Judicial Magistrate-II, Ponneri in C.M.P.No.1391 of 2018.

For Petitioner : Mr.D.Rajendran

For Respondents : Mr.C.Raghavan
Government Advocate.

O R D E R

This criminal original petition has been filed to set aside the docket order dated 20.06.2018 passed by the Judicial Magistrate-II, Ponneri in C.M.P.No.1391 of 2018.

2. The petitioner filed a private complaint in C.M.P.No.1391 of 2018 before the learned Judicial Magistrate-II, Ponneri and thereafter, did not prosecute the same diligently. Therefore, the said private complaint was dismissed on 20.06.2018 vide the impugned order, which reads as follows:-

"Complainant called absent. No representation. Sufficient time granted complainant not present for sworn statement. Hence this complaint dismissed as non prosecution."

Challenging the said order, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner.

4. The complaint has been dismissed not on merits, but on the ground that the petitioner was absent on 20.06.2018 and there was no representation for him.

5. Under such circumstances, it is always open to the petitioner to file a fresh complaint, however, in the fresh complaint, he should disclose about the earlier complaint and the order passed by the Court. When a fresh complaint is filed, the Judicial Magistrate-II, Ponneri shall consider the same in accordance with law.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmi

To

1. The Judicial Magistrate-II,
Ponneri.

2.The Public Prosecutor,
High court, Madras.

+1cc to Mr.D.Rajendran, Advocate Sr.44232

Cr1.O.P.No.17259 of 2018

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