

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.17753 of 2018

P.Kulandaivelu

... Petitioner

Vs.

State represented by

The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Cuddalore

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order in Crl.M.P.No.480 of 2018 in Spl.C.C.No.6 of 2008 passed by the learned Special Judge-cum-Chief Judicial Magistrate at Cuddalore, dated 07.06.2018.

For Petitioner : Mr.V.Krishnamoorthy

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed by the trial Court in Crl.M.P.No.480 of 2018 in Spl.C.C.No.6 of 2008.

2 The contention of the petitioner/accused is, the trial Court has passed a cryptic one line order despite detailed argument and counter filed by the respondent. Considering the averments made in the petition, this Court directed the learned Additional Public Prosecutor to find out as to whether the order enclosed in the affidavit is a docket order and any other separate order is passed by the Court below or that is the only order passed by the Court for considering the petition to recall PW.17.

3 Today, the learned Additional Public Prosecutor circulated the copy of the detailed order passed by the trial Court, wherein, the trial Court has considered the circumstances, under which, the petitioner has filed recall petition, and why the same cannot be entertained at this stage. The reasoned order passed by the trial Court does not contain any infirmity or illegality to be interfered with. Hence, the Criminal Original Petition is dismissed.

4 This Court intends to observe that whenever the Judge passed a separate detailed order, he shall record in the docket order itself regarding the detailed order passed separately. The omission to mention about the detail order passed separately give way to file petitions before the Appellate Court, with a misleading plea that the Court below has passed cryptic one line order. Therefore, it is advised to the Court's below, whenever the Court pass detailed order, the docket order shall mention that "Detail order vide separately" and when copy application is made for petition and order, the copyist section shall ensure the order copy issued also contain the detailed order and shall not issue the copy of the docket order sans detailed order. So as to avoid misrepresentation and abuse of Law.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rpl

To

1 The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Cuddalore.

2 The Public Prosecutor,
High Court, Madras.

Copy to: The Section Officer, Copyist Section,
High Court, Madras.

+ 1 cc to Tr.V. Krishnamoorthy, Advocate Sr.48380

(CS-VIII)
EU(03/08/2018)

CrI.O.P.No.17753 of 2018

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