

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.28796 of 2018  
and CrI.M.P.No.16830 of 2018

T.Madhivanan ... Petitioner

Vs.

Karunakaran ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records relating to docket order passed by the learned Judicial Magistrate-II, Puducherry in CrI.M.P.No. Un numbered /2018 in STR.No.2173/2018 on 26.10.2018 on the file of the learned Judicial Magistrate-II, Puducherry.

For Petitioner : Mr.E.Anbarasan

O R D E R

This petition has been filed challenging the docket order passed by the Court below, dated 26.10.2018, wherein, the petition filed by the petitioner under Section 311 Cr.P.C., has been returned as not maintainable.

2 It will be relevant to extract the order passed by the Court below:-

"Heard in the open Court. Records perused and found that S.311 petition were filed on many occasion by this petition and on 11.1.2013 S.311 petition was dismissed on merits. Further this petitioner has not preferred any revision against that order and again this petitioner has filed an S.311 petition and complaint counsel consent to Cross PW1 by recalling PW1 and the same was allowed with the consent of the complainant counsel but even after that accused counsel fails to cross PW1 and hence this Court suomotto closes the recall of PW1 and not this petition U/s 311 is filed by the petitioner/accused. At this outset this court finds that as the earlier S.311 petition has been dismissed in merits without challenging that order dated 11.01.2013 this petitioner has no locus standi to file a petition

under section 311 and the same is not maintainable before this court. Hence, returned."

3 This Court does not find any illegality or infirmity in the order passed by the Court below. The petitioner has successfully dragged on the case for the last 8 years. The respondent who filed the 138 complaint has been kept waiting for the last 8 years without any result. There are absolutely no merits in this petition.

4 In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.2173/2018, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

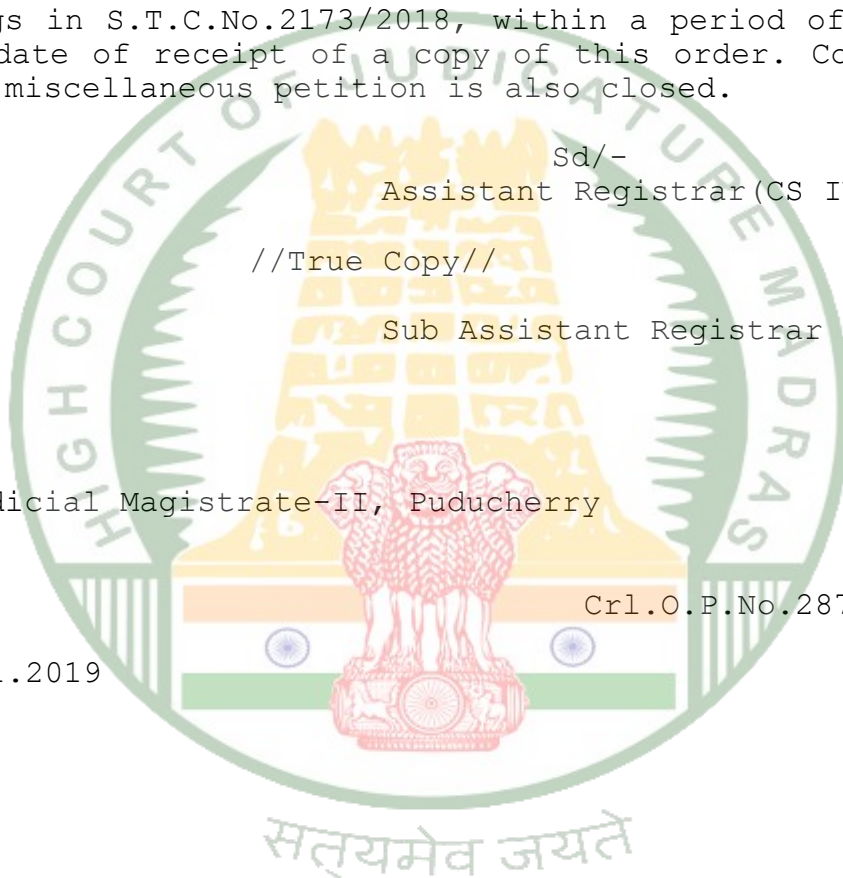
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To

1.The Judicial Magistrate-II, Puducherry

Cr1.O.P.No.28796 of 2018

AK(CO)  
CSL/09.01.2019



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