



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Cr1.R.C.(MD) No.179 of 2018

V.Ramamoorthy

... Petitioner / Petitioner

vs.

- 1.Agniraj
- 2.Sekar @ Chandrasekar
- 3.The Superintendent of Police,
Virudhunagar District.
- 4.The Inspector of Police,
Pandian Nagar Police Station,
Virudhunagar,
Virudhunagar District.

... Respondents/Respondents

PRAYER: Criminal Revision Case filed under Sections 397 & 401 Cr.P.C., praying to call for the records in Cr.M.P.No.2070 of 2011 dated 01.07.2011 passed by the learned Judicial Magistrate No.II, Virudhunagar.

For Petitioner : Mr.J.Senthilkumar

For Respondents : Mrs.S.Bharathi,

3& 4

Government Advocate (Criminal side)

O R D E R

The petitioner filed a petition in Cr.M.P.No.2070 of 2011 under Section 156(3) Cr.P.C. for a direction to the Pandian Nagar Police Station to register an F.I.R. in connection with the missing of the petitioner's lorry. The learned Judicial Magistrate No.II, Virudhunagar has dismissed the petition on 01.07.2011, challenging which, this Criminal Revision was filed with a delay of 90 days. The condone delay application in M.P.(MD)No.1 of 2012 has been allowed by this Court today.

2.Coming to the merits in the Criminal Revision Case, it is seen that the petitioner is an accused in Crime No.128 of 2010 before the Jaigon Police Station, Jalpaiguri District, West Bengal under Section 406, 407, 409 I.P.C. on the complaint lodged by the owner of Assam Roadways Corporation Limited alleging that the petitioner had taken away the lorry in question.

3.In Mrs.Priyanka Srivatsava v. State of U.P. [2015 (4) Scale 120], the Hon'ble Supreme Court has laid held that the order under 156(3) Cr.P.C. should not be mechanically passed. This Court does not find any infirmity in the order passed by the trial Court, warranting interference.



4. In view of the above, this Criminal Revision Case stands dismissed.

Sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No. II,
Virudhunagar.
2. The Superintendent of Police,
Virudhunagar District.
3. The Inspector of Police,
Pandian Nagar Police Station,
Virudhunagar,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C. (MD) No.179 of 2018
23.03.2018

sj

JM/SKN RSK/SAR 2/17.04.2018/2P/5C