



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.19649 of 2013
and
M.P(MD).No.1 of 2013

P.N.J.Nagarajan

... Petitioner

Vs.

1. The Sub -Divisional Officer Cum
Revenue Divisional Officer,
Tiruchirappalli

2. B.Mohammed Ibrahim

3. The Inspector of Police,
Palakkarai Police Station,
Tiruchirappalli

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Na.Ka.No.A1-4143-2013 dated 01.10.2013 relates to the proceedings under Section 133 Cr.P.C., on the file of the first respondent and quash the same.

For Petitioner	:	Mr.B.Tamilnidhi
For R1 & R3	:	Mr.A.Robinson Government Advocate (Criminal side)
For R2	:	No appearance.

ORDER

This Criminal Original Petition has been filed to call for the records in Na.Ka.No.A1-4143-2013 dated 01.10.2013 relates to the proceedings under Section 133 Cr.P.C., on the file of the first respondent and quash the same.

2.This petitioner has questioned the notice dated 01.10.2013 issued by the first respondent herein under Section 133 Cr.P.C. Since the petitioner has already shown cause against the said notice, therefore as per Section 138(1) Cr.P.C., the first respondent has to take evidence in the matter as in a summons-case and thereafter pass a final order.



3. Therefore, at this stage, challenge to the notice will not lie. Only after passing final order by the first respondent, the petitioner can question the same and the rights of the petitioner are not adjudicated in this case.

4. The first respondent shall pass final order in this matter within a period of three months from the date of receipt of a copy of this order.

5. With the above observations, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Sub -Divisional Officer Cum
Revenue Divisional Officer,
Tiruchirapalli
2. The Inspector of Police,
Palakkarai Police Station,
Tiruchirappalli
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MSA

TE/KKR/SAR-3 : 25/04/2018 : 2P/4C

Cr1.O.P. (MD) No.19649 of 2013 and
M.P (MD) .No.1 of 2013
10.04.2018