



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 16.03.2018  
CORAM:

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WEB COPY

Crl.O.P.(MD).No.21041 of 2013 and  
M.P(MD).No.1 of 2013

Hemapriya,  
Represented by her power of attorney,  
Balasubramania Raja.

...Petitioner/ 3<sup>rd</sup> party

Vs.

1.State represented by,  
The Inspector of Police,  
All Women Police Station,  
Rajapalayam,  
Virudhunagar District.

....1<sup>st</sup> respondent / respondent

2.Subbaraja

... 2<sup>nd</sup> respondent / petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the order dated 30.07.2013 made in Cr.M.P. No. 8116 of 2012 on the file of the Principal Sessions Judge, Srivilliputtur and set aside the same.

For Petitioner : Mr.T.Antony Arulraj  
For Respondents : Mr.K.Suyambulinga Bharathi  
Government Advocate (Crl.Side)

### O R D E R

This Criminal Original Petition has been filed to call for the records relating to the order dated 30.07.2013, made in Crl.M.P.No. 8116 of 2012, on the file of the Principal Sessions Judge, Srivilliputtur and set aside the same.

2. The petitioner herein is the defacto complainant in Crime No.4 of 2011, on the file of the respondent Police. The said case has been registered by the first respondent Police against the second respondent and three others for the offence punishable under Sections 498(A) and 406 IPC. At the time of registering the case, the second respondent herein filed a petition in Crl.M.P.No.503 of 2011, before the Principal Sessions Judge, Virudhunagar District at Srivilliputhur, for granting anticipatory bail and the same has been disposed of on 22.02.2011. During the time of granting anticipatory bail, the learned Principal Sessions Judge, Srivilliputur fixed so many conditions for which, one condition is fixed as the Manager, Axis Bank, Rajapalayam is directed not to disburse the gold jewelry stated to have been kept in the safety locker of the Bank, by the



parties concerned in this case, to any of the parties until further orders. The third accused viz., Subburaja filed one another petition before the same Court in CrI.M.P.No.8116 of 2012. During the time of disposal of said petition, dated 30.07.2013, the learned Principal Sessions Judge, Srivilliputur, relaxed the earlier condition passed in CrI.M.P.No.503 of 2011. Aggrieved over the said order, this petition has been filed by the defacto complainant and the same is kept pending from 2013 onwards.

3. Today, when the matter was taken up for hearing the learned Government Advocate (CrI. Side) appearing for the State made representation that the petition mentioned Crime No.4 of 2011, the first respondent Police after completing the investigation filed a charge sheet and the same has been taken on file in C.C.No.51 of 2011, on the file of the learned Judicial Magistrate, No.II, Srivilliputur. As of now, the said case was disposed of on 12.10.2012 itself, thereby, no case is pending with regard to the petition mentioned Crime number.

4.However, the learned counsel appearing for the petitioner would submit that he does not know the stage of the proceeding and the order passed in C.C.No.51 of 2011.

5.Considering the facts and circumstances of case, this Court came to the conclusion that it would appropriate to give some direction to the petitioner as well as the learned Judicial Magistrate No.II, Virudhunagr District @ Srivilliputur in this regard.

6.Accordingly, this petitioner is permitted to file a petition before the learned Judicial Magistrate No.II, Srivilliputur, within a period 15 days from the date of receipt of a copy of this order for the relief sought through this petition and thereafter, if such petition is filed, the learned Judicial Magistrate No.II, Virudhunagr District @ Srivilliputur, is directed dispose of the same after giving notice to the either parties of the above said C.C.No.51 of 2011.

7. With the above observations, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To  
1.The Inspector of Police,  
All Women Police Station,  
Rajapalayam,  
Virudhunagar District.



2.The Principal Sessions Judge, Srivilliputtur.

3. The Judicial Magistrate No.II,  
Virudhunagr District @ Srivilliputur.

4. Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to M/S.T.Antony Arulraj, Advocate SR.No. 56174

Cr1.O.P.(MD).No.21041 of 2013 and  
M.P(MD).No.1 of 2013

trp  
JM/SKN RSK/SAR 3/16.04.2018/3P/6C