

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.9488 of 2016

A.Ganapathy

... Petitioner

Vs.

S.David

... Respondent

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records dated 04.04.2016 made in Crl.M.P.No.20694 of 2015 in Crl.R.C.SR.No.22375 of 2015 on the file of Principal Sessions Judge, Chennai, and set aside the same.

For Petitioner : Mr.R.Sankarasubbu
For Respondent : M/s.Vimal B.Crimson

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the Revision Petition filed by the petitioner.

2. The petitioner had filed a private complaint before the Court below. This complaint came to be dismissed for non prosecution and thereby, the respondent was discharged from the case. The petitioner filed Reopen Petition before the same Court and the same was also dismissed for default. Aggrieved by the same, a Criminal Revision Petition filed before the Principal District and Sessions Court, Chennai. This came to be dismissed by an order dated 04.04.2016. As against the same, the present Criminal Original Petition is filed.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

4. In the considered view of this Court, this Criminal Original Petition is not maintainable before this Court in view of the fact that the Criminal Revision filed by the petitioner itself is not maintainable. The complaint has been dismissed for non prosecution and the petitioner ought to have filed an appeal

against the said order. This procedure has not been followed by the petitioner. In view of the fact that the very Revision Petition is not maintainable, consequently, this Criminal Original Petition is also not maintainable.

5. In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

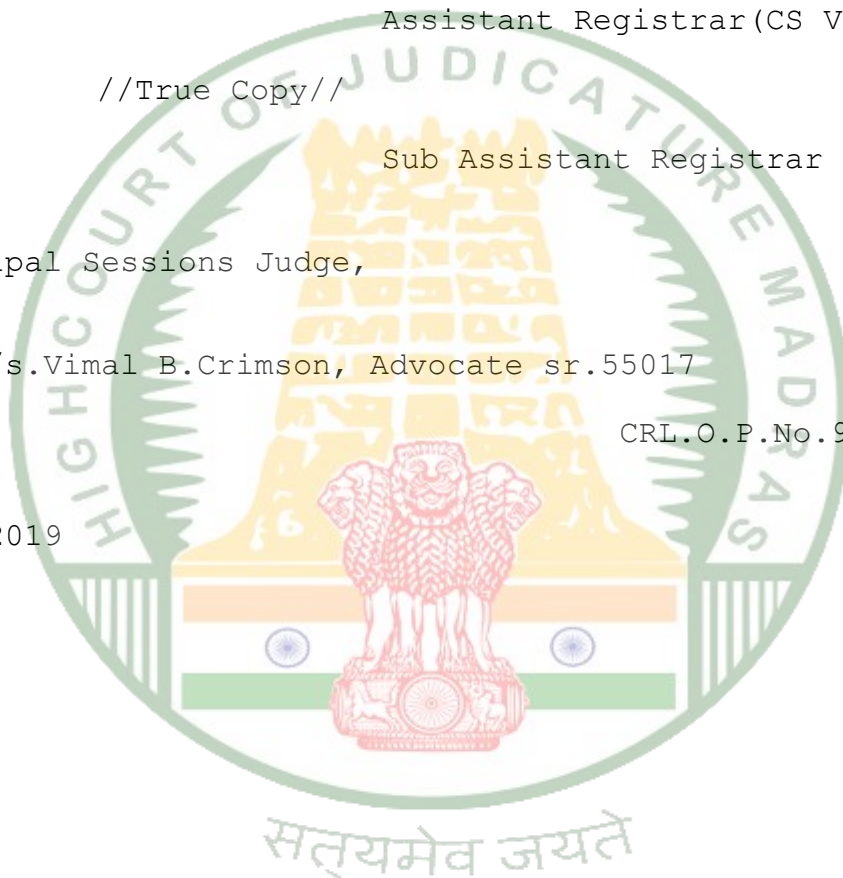
To

The Principal Sessions Judge,
Chennai.

+1cc to M/s.Vimal B.Crimson, Advocate sr.55017

CRL.O.P.No.9488 of 2016

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