

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8413 of 2019

R.Kalaimani

... Petitioner

Vs

1.The Inspector of Police,
Malayalam Police Station,
Kodumudi Taluk,
Erode District.

2.Chinnasamy @ Jaganatha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the Judicial Magistrate, Kodumudi to take cognizance of the protest petition of the petitioner dated 09.11.2009 and adjudicate the same in accordance with law as directed by the Hon'ble High Court, Madras in Crl.O.P.No.6535 of 2009 dated 6.10.2009.

For Petitioner : Mr.R.Sankarasubbu

For R1 : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking to direct the Judicial Magistrate, Kodumudi to take cognizance of the protest petition of the petitioner dated 09.11.2009 and adjudicate the same in accordance with law as directed by the Hon'ble High Court, Madras in Crl.O.P.No.6535 of 2009 dated 6.10.2009.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent.

3.It is seen that this Court by an order dated 6.10.2009, directed the first respondent to serve the refer notice to the petitioner, who, on receipt of the same, was directed to prefer the protest petition before the Judicial Magistrate, Kodumudi on 09.11.2009. Thereafter, the petitioner slept over the matter

and on 28.05.2018, after a period of nine years, the petitioner sought for information of RTI Act. The information furnished to the petitioner was that the petition and orders are not available with Court.

4.It is also seen that the petitioner, after filing protest petition in the year 2009, had simply filed a petition under the RTI Act and thereafter, had approached this Court. This kind of practice cannot be entertained and the petitioner, now seeking direction to the concerned Magistrate to take cognizance, is nothing but clear abuse of process of Court.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mpa/vsn

To

- 1.The Inspector of Police,
Malayamalayam Police Station,
Kodumudi Taluk,
Erode District.
2. The Public Prosecutor,
High Court of Madras.
- 3.The Judicial Magistrate,
Kodumudi.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No. 29447

GP(CO)
GN(08/05/2019)

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