

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.R.C.No.745 of 2019

M.P.Adimoolam
Managing Director
M/s.Jayasakthi Leathers (P) Ltd.,
No.60, M.G.R. Street, Raman Nagar,
Lawspet Road,
Pondicherry - 605 008. Petitioner/Complainant

-Vs-

The Station House Office
Mettupalayam Police Station
Mettupalayam
Pondicherry - 605 009. .. Respondent/Respondent

Criminal Revision Petition filed under section 397 r/w 401 of the Code of Criminal Procedure to call for the records in order dated 06.10.2017 passed in Crl.MP.No.12 of 2017 by the learned Judicial Magistrate-IV, Puducherry and to examine the correctness and propriety of the order dated 06.10.2017 in Crl.MP.No.12 of 2017 passed by the learned Judicial Magistrate-IV, Puducherry and set aside the same.

For Petitioner : Mr.M.Anandaraj
For Respondent : Mr.Balamurugan
Public Prosecutor (Pondy)

O R D E R

This Criminal Revision has been filed to set aside the order dated 06.10.2017 passed by the learned Judicial Magistrate-IV, Puducherry in Crl.MP.No.12 of 2017.

2. The petitioner filed Crl.MP.No.12 of 2017 before the Judicial Magistrate No.IV, Puducherry under Section 156 Cr.P.C., which has been dismissed for default on 06.10.2017, challenging which, the petitioner is before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor (Pondicherry) appearing for the respondent.

4. In the opinion of this Court, the order under challenge is not amenable to the revisional jurisdiction of this Court under Section 397 r/w 401 Cr.P.C because the petition has been dismissed only for default and not on merits. It is always open to the petitioner to file fresh petition under Section 156 Cr.P.C. after disclosing about the earlier proceedings.

In the result, this Criminal Revision case fails and the same is dismissed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Station House Office
Mettupalayam Police Station
Mettupalayam
Pondicherry - 605 009.

2. The Additional Public Prosecutor,
High Court, Madras - 104.

+2cc to Mr.M.Anandraj, Advocate, S.R.No.67158
+1cc to the Government Pleader, S.R.No. 67714

Cr1.RC.No.745 of 2019

PVS (CO)
GN(07/08/2019)

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