

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.29873 of 2019

Ravichandran

...Petitioner

Vs

State Rep. by
The Sub-Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.254 of 2017)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the docket order passed on 14.08.2019 by the learned Magistrate, Dharapuram and consequently direct the trial Court to take the petitioner's petition dated 14.08.2019 to its file.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.C.Iyyapparaj

Additional Public Prosecutor

O R D E R

When the petitioner had made an application under Section 452 of Cr.P.C. the Registry of the Jurisdictional Magistrate ought to have numbered the application, if it is otherwise in order and orders could have been passed on the merits of the case. The practise of rejecting the application even before taking up for hearing on merits of the application is not only sustainable, but also not permissible. If at all the learned Magistrate is of the view that the property cannot be handed over, the same ought to have been reflected by way of an order passed in the petitioner's application under Section 452 of Cr.P.C. and not through endorsement for return of the application on the ground of maintainability.

2.In the light of the above observations, the endorsement in the docket order dated 14.08.2019 made by the learned Magistrate, Dharapuram is set aside and consequently, the

learned Magistrate, Dharapuram is called upon to number the application and dispose the same on its own merits and in accordance with law as expeditiously as possible.

3. Accordingly, this criminal original petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Dharapuram.
2. The Sub-Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court of Madras.

Copy To: The Section Officer, Criminal Section,
High Court of Madras, Chennai -104.

+1 cc to M/s.P.Kalimuthu, Advocate Sr.No. 93109

AKM/11.12.19/2P-6C /

Crl.O.P.No.29873 of 2019

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