



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.30952 of 2019

M.Venkatesan

.. Petitioner

Vs.

S.Vijayakumar

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records in pursuant to C.C.No.680 of 2018 on the file of the Judicial Magistrate No.III, Vellore, Vellore District, vide order dated 01.10.2019 and set aside the same.

For Petitioner

:

Mr.S.Raja Ravi Varma

ORDER

The prayer sought for in the present petition is to set aside the order dated 01.10.2019 made in C.C.No.680 of 2018 on the file of the learned Judicial Magistrate No.III, Vellore, Vellore District.

2. Though this Court does not find any infirmity in the order dated 01.10.2019, since the complaint has been pending from 03.01.2019 and adjourned to various dates for the purpose of issue of service, the petitioner herein had not taken any steps to file the process and has failed to appear before the Trial Court. As such, the Trial Court was justified in dismissing the complaint under Section 204(4) of Cr.P.C.

3. Nevertheless, the learned counsel for the petitioner would submit that the petitioner was bed ridden due to Jaundice and that the intervening marriage of his son disabled him from filing the process in time and appear before the Court.

4. By taking a lenient view of the matter, this Court is inclined to exercise its power under Section 482 Cr.P.C for the purpose of securing justice to the petitioner.

5. In the light of the above observations, the impugned order dated 01.10.2019 made in C.C.No.680 of 2018 on the file of the learned Judicial Magistrate No.III, Vellore District,



is set aside. Consequently, the Trial Court shall grant further opportunity to the petitioner to appear and file the process, atleast within a period of 30 days from the date of receipt of a copy of this order. The petitioner shall also pay a sum of Rs.5,000/- to the Juvenile Justice Board, Vellore District and produce such proof of payment before the Trial Court, within a period of 10 days from the date of receipt of a copy of this order.

6. The Criminal Original Petition stands ordered accordingly.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

hvk

To

- 1.The Judicial Magistrate No.III,
Vellore, Vellore District.
- 2.The Juvenile Justice Board,
Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Raja Ravi Varma, Advocate, S.R.No. 95850

Cr1.O.P.No.30952 of 2019

MP(CO)
GN(31/12/2019)