



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2019

CORAM:

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.[MD]No.6187 of 2019

and

Cr1.M.P.(MD)No.4057 of 2019

Aadhi Narayanan : Petitioner

Vs.

1. The Deputy Superintendent of Police,
CBCID, Madurai.
(Crime No.3/2014)

2.M.Kurinchinathan

3.M.Sankar

4.Vasanthi

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order dated 18.03.2019 passed by the Additional District Sessions Court, Virudhunagar District at Virudhunagar on the petitioner's petition filed under Section 319 Cr.P.C., dated 07.01.2019.

For Petitioner : Mr.R.Murugappan

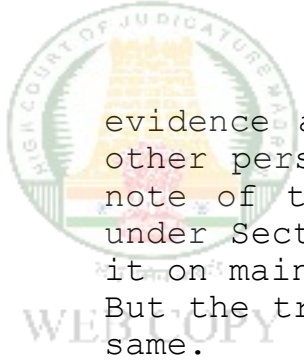
For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

The petitioner, who is the defacto complainant in Crime No.3 of 2014 now pending trial in S.C.No.69 of 2016, has come forward before this Court stating that his petition filed under Section 319 Cr.P.C., has been returned by the learned Additional District Sessions Judge, Virudhunagar District, Virudhunagar.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3. Elaborating his argument, the learned counsel for the petitioner submitted that the petitioner's son has been murdered by the fourth respondent, that the fourth respondent has developed an illicit intimacy with the second respondent and consequentially, the petitioner's son came to be murdered. The petitioner made a consistent statement in the FIR, 161(3) statement and also in his



evidence about certain facts, which disclose the participation of other persons in the case and yet the Sessions Court has not taken note of the same. Hence, he was constrained to file a petition under Section 319 Cr.P.C.. The learned Sessions Judge has returned it on maintainability. The petitioner has re-presented the same. But the trial Court has returned it without even hearing him on the same.

4. This Court perused the document more particularly a petition filed by the petitioner with necessary endorsements of the Court. Indisputably this order is a non-speaking order and it does not address the response of the petitioner on maintainability issue. Therefore the order of the trial Court dated 13.09.2019 returning the petition is set aside and the matter is remitted back to the trial Court for hearing the issue of maintainability and the trial Court is directed to apply its mind and take a decision through a speaking order.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

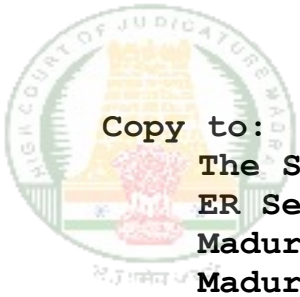
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Sub Assistant Registrar

Note: The Registry is directed to return the original petition to the petitioner.

To

1. The Additional District Sessions Judge,
Virudhunagar District at Virudhunagar.
2. The Deputy Superintendent of Police,
CBCID, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:
The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

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+1CC TO MR.R.MURUGAPPAN, Advocate Sr. No. 63240

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