

Crl.O.P.No.21060 of 2013
in
Crl.A.Sr.No.8821 of 2013

M.DHANDAPANI, J.

This Criminal Original Petition has been filed to grant leave to file the appeal against the order dated 05.12.2012 made in C.C.No.171 of 2008 on the file of the Judicial Magistrate Court, Ariyalur.

2.The learned counsel for the petitioner would submit that the petitioner has lodged a complaint before the Inspector of Police, Ariyalur Police Station against the respondents on the allegations the respondents were waylaid the petitioner and assaulted him with wooden logs. After receiving the complaint of the petitioner, the Inspector of Police, Ariyalur Police Station, has not conducted investigation and therefore, the petitioner has filed a private complaint before the learned Judicial Magistrate, Ariyalur, who on receipt of the same and after recording of sworn statement, taken the case on file as C.C.No.171 of 2008 for the offence under Sections 147, 341, 294(b) and 506(i) of IPC and examined three witnesses.

3.While so, the learned Magistrate closed the complaint under Section 258 of Cr.P.C., on the ground that the case in C.C.No.171 of 2008 was long pending without any progress and counter police complaint had ended in

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acquittal. Aggrieved over the same, the petitioner filed this petition for granting leave to file an appeal against the order of the learned Judicial Magistrate, Ariyalur.

4.On perusal of the records, it reveals that even though the petitioner had filed the present leave application, till date he has not taken any steps to obtain a leave for filing appeal and it is submitted by the learned counsel for the respondents that the petitioner and the respondents are family members and requested this Court not to grant leave for filing an appeal and it would cause more prejudice between the parties.

5.In view of the above, I am not inclined to grant leave for filing appeal against the order dated 05.12.2012 made in C.C.No.171 of 2008. Accordingly, this Criminal Original Petition stands dismissed.

21.02.2020

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