

Crl.OP.No.1327 of 2020

P.RAJAMANICKAM.J.,

This petition has been posted today (28.02.2020) under the caption, “for being mentioned”.

2. The learned counsel for the petitioner has submitted that when this petition was came up for hearing on 27.01.2020, it was represented on behalf of the respondents that a report was filed before the Judicial Magistrate No.II, Namakkal on 03.10.2019 itself and recording the said representation, this court has disposed of this petition. She further submitted that on 06.01.2020, the petitioner has filed a copy application before the concerned court for getting a copy of the said report, but, the concerned court has returned the said copy application, stating that the said report not yet filed and hence she requests to recall the order passed by this Court dated 27.01.2020.

3. The learned Additional Public Prosecutor has submitted that the second respondent has signed in the report on 03.10.2019 and on the same day she instructed the concerned court constable to file before the concerned court and on that basis she informed to this court that the report was filed

before the court on 03.10.2019 itself. He further submitted that only subsequently the second respondent came to know that the said constable has not filed the report before the court on 03.10.2019 and it was filed only on 05.02.2020. He further submitted that the learned Judicial Magistrate No.II, Namakkal also ordered notice to the petitioner on 21.02.2020 directing him to appear before the said court on 05.03.2020. He further submitted that the second respondent apologize for the inconvenience caused to this court. He also produced a certified xerox copy of the report filed by the second respondent and orders passed thereon by the Judicial Magistrate No.II, Namakkal.

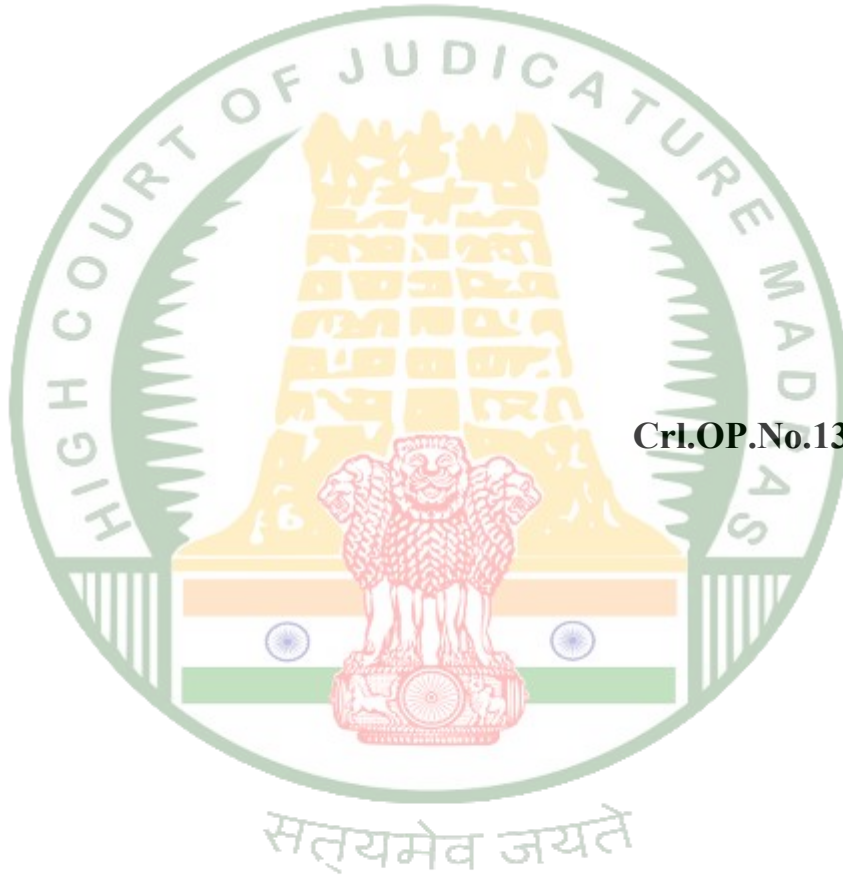
4. A perusal of the said certified copies shows that the second respondent has signed the report on 03.10.2019 itself. But, the order of the Magistrate shows, the said report was filed before the court only on 05.02.2020. Anyhow, now the Magistrate has ordered notice to the petitioner directing him to appear before the said Magistrate on 05.03.2020. Hence, no further order is required to be passed.

28.02.2020

Vv

P.RAJAMANICKAM.J.,

Vv



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