

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.No.3792 of 2020

Vanaja

...Petitioner/Defacto Complainant

-Vs-

1. State Rep by
The Inspector of Police,
Central Crime Branch,
Egmore, Vepery,
Chennai.
Crime No.471 of 2007.

2. Natarajan

3. Rajesh

4. Thilgavathy

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the Judicial Magistrate No.1, Poonamallee to entertain the Cr1.M.P.SR.No.2826 of 2019 dated 19.12.2019 in C.C.No.222 of 2009 to be numbered.

For Petitioner : Mr.J.Milton Arul Rajendran

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the Judicial Magistrate No.1, Poonamallee to entertain the Cr1.M.P.SR.No.2826 of 2019 dated 19.12.2019 in C.C.No.222 of 2009 and dispose of the same in accordance with law.

2. Based on the complaint lodged by the petitioner, the first respondent has registered an F.I.R against the respondents 2 to 4 in Crime No.47 of 2007 for the offences under sections 120-B, 419, 465, 467, 468, 471 and 420 of IPC. He further submitted that after investigation, the first respondent has

filed a charge sheet and based on the same, the learned Judicial Magistrate No.I, Poonamallee has taken the case on file in C.C.No.222 of 2009 and after full trial, the learned Judicial Magistrate has convicted the accused persons and the appeal filed by the accused persons also dismissed. He further submitted that during trial, the petitioner herein is being the defacto complainant was examined as P.W.1 and he produced one sale deed and marked as Ex.P1. He further submitted that since the trial court and also the appellate court have disposed of the case, the petitioner is entitled to get back the said document and hence the petitioner has filed a petition in Crl.M.P.SR.No.2826 of 2019 dated 19.12.2019 before the trial court. But the trial court has returned the said petition stating that when Criminal Revision Case in Crl.R.C.No.1052 of 2019 is pending before the High Court, how the said petition is maintainable. He further submitted that mere pendency of Criminal Revision is not a bar for entertaining the aforesaid petition and pass appropriate orders and therefore he prayed to direct the trial court to entertain the petitioner's petition vide Crl.M.P.SR.No.2826 of 2019 and dispose of the same in accordance with law.

3. The learned Additional Public Prosecutor has submitted that he is leaving the matter to the discretion of this Court.

4. A perusal of the typed set of papers filed by the petitioner shows that the petitioner herein has filed a petition in Crl.M.P.S.R.No.2826 of 2019 seeking to return Ex.P1 sale deed. In the said petition, on 19.12.2019, the learned Judicial Magistrate No.I, Poonamallee has passed the following order:

" Crl.R.C.No.1052 of 2019 is pending before the Hon'ble High Court of Madras. Hence how this petition is maintainable? Explain.

Hence returned."

5. A reading of the aforesaid order shows that the learned Judicial Magistrate has not passed any order on the said petition. Hence the petitioner is directed to represent the said petition by mentioning the reason as to how the said petition is maintainable within a week from the date of receipt of a copy of this order and on such representation, the learned Judicial Magistrate No.I, Poonamallee is directed to entertain the said petition and dispose of the same in accordance with law, either by allowing or dismissing the said petition.

6. With the aforesaid directions, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar

True Copy

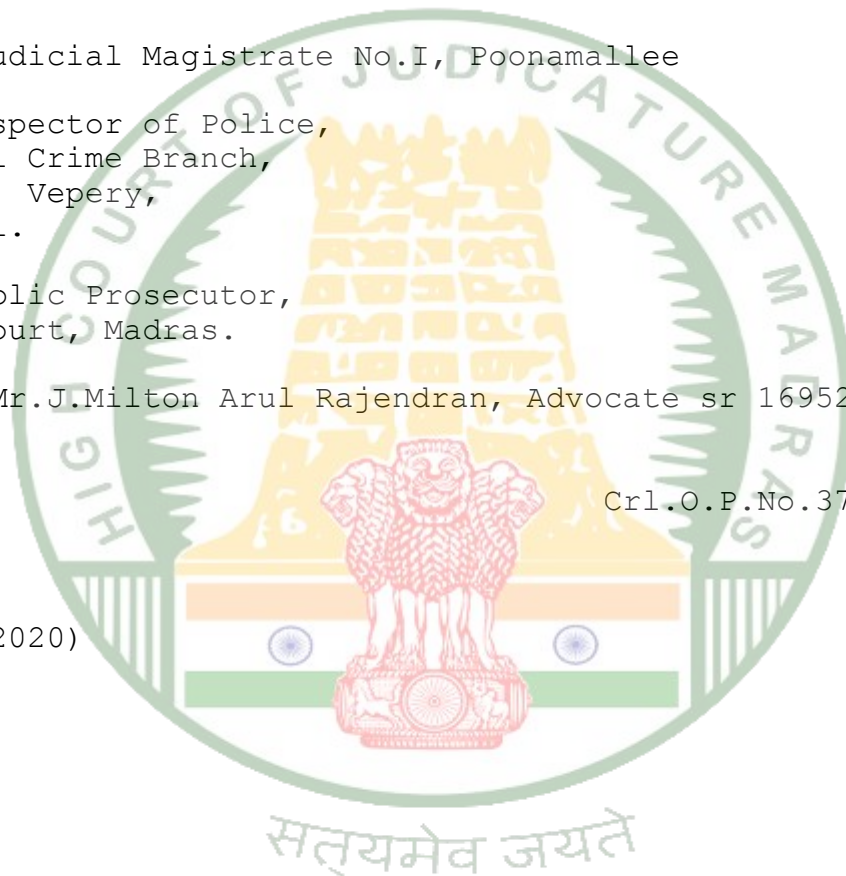
Sub-Assistant Registrar

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To

1. The Judicial Magistrate No.I, Poonamallee
 2. The Inspector of Police,
Central Crime Branch,
Egmore, Vepery,
Chennai.
 3. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.J.Milton Arul Rajendran, Advocate sr 16952.

Crl.O.P.No.3792 of 2020

VGII(CO)
SP(17/07/2020)



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