



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.[MD]No.7058 of 2020

Thambiraj

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
PEW, Thuckalay at Police Station Road,
Marthandam, Kanyakumari District.
(In Crime No.217 of 2020)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate No.II, Padmanabhapuram, to entertain the petition filed by the petitioner in F.No.CRL.M.P.361/2020 on his file and number the same.

For Petitioner	: Mr.M.Suri
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to direct the learned Judicial Magistrate No.II, Padmanabhapuram, to entertain the petition filed by the petitioner in F.No.CRL.M.P.361/2020.

2.The learned counsel appearing for the petitioner would submit that without any reason the learned Judicial Magistrate No.II, Padmanabhapuram, is refused to entertain the petition, which was filed by the petitioner, under Section 451 R/w 457 of Code of Criminal Procedure. Hence, the petitioner prays to direct the Judicial Magistrate No.II, Padmanabhapuram, to entertain the petition filed by him.

3.The learned Additional Public Prosecutor appearing for the respondent did not raise any objection to the prayer sought by the petitioner.

4.In general, whenever an application is filed before the Judicial Officer, it is obvious that the same was assigned with case number and after adopting due procedure, the Presiding Officer of the said Court has to pass necessary orders. In this regard, refusing to entertain the petition filed by the petitioner, is unwarranted.

5.In view of the above, this Criminal Original Petition is allowed and the learned Judicial Magistrate No.II, Padmanabhapuram,



is directed to number the petition filed in F.No.CRL.M.P.361/2020 and pass appropriate orders on merits and in accordance with law within a period of one week from the date of numbering the petition.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.II,
Padmanabhapuram,
Kanyakumari District.
- 2.The Inspector of Police,
PEW, Thuckalay at Police Station Road,
Marthandam, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SPU (27.07.2020) 2P 4C