

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.6901 of 2021

&

WMP No.7453 of 2021

Dinesh @ Dinesh Kumar,
S/o.Murugesan ... Petitioner

vs.

1. The Revenue Divisional Officer/Executive Magistrate,
Erode.
2. The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
3. The Superintendent,
District Jail,
Gopichettipalayam. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for records in order No.M.M.866/2021/A2 dated 23rd February, 2021 on the file of the Revenue Divisional Officer, Erode and quash the same.

For Petitioner : Mr.Deepan Uday
For Respondents: Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

The subject matter of challenge in the present writ petition is the order passed by the Executive Magistrate under Section 120(1)(b) of Cr.P.C.

2. In the considered view of this Court, only a revision will lie against the order passed by the Executive Magistrate and in view of availability of an alternative remedy, this Writ

Petition cannot be entertained. Liberty is granted to the petitioner to file a criminal revision against the order passed by the Executive Magistrate and workout his remedy in accordance with law.

3. This writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer/Executive Magistrate,
Erode.
2. The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
3. The Superintendent,
District Jail,
Gopichettipalayam.
4. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

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PL (CO)
RMP (09/04/2021)

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