



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18684 of 2021

Nagarajan

...Petitioner

Vs

Deepan
Sub Inspector of Police(Crime Branch)
M.K.B Nagar Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for record in Crl.M.P.No.6852 of 2019 on the file of the learned X Metropolitan Magistrate, Egmore and set aside the order dated 3rd November, 2018 and thereby, restore the Criminal Miscellaneous Petition.

For Petitioner : Mr.G.R.Hari

ORDER

This criminal original petition has been filed to call for record in Crl.M.P.No.6852 of 2019 on the file of the X Metropolitan Magistrate, Egmore and set aside the order dated 3rd November, 2018 and thereby, restore the Criminal Miscellaneous Petition.

2.The lower Court examined the petitioner on 21.06.2019, thereafter, one Karthikeyan on 28.11.2019 and Hari Kumar on 22.01.2020. Thereafter, the petitioner could not appear on the hearing dates due to pandemic restrictions. Therefore, the lower Court, by order dated 04.08.2021, dismissed the Crl.M.P.No.6852 of 2019 for non-prosecution.

3.The learned counsel for the petitioner submits that the petitioner, due to the pandemic situation and other restrictions, on that date could not appear but he is very much interested to continue the case, otherwise, great prejudice would be caused to the petitioner, finding that the lower Court had passed the order not on merits and dismissed the petition for non prosecution.

4.In view of the same, this Court directs the X Metropolitan Magistrate, Egmore, Chennai -8 to take Crl.M.P.No.682 of 2019 on file and continue with the proceedings and pass order on merits. The petitioner to appear



before the lower Court along with this order on 08.11.2021, thereafter, the lower Court proceed further. Accordingly, the criminal original petition is disposed of .

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-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

nr/sms

To

- 1.The X Metropolitan Magistrate, Egmore
- 2.The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Sub Inspector of Police(Crime Branch)
M.K.B Nagar Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to G.R.Hari, Advocate, SR. No.54831

+1cc to G.R.Hari, Advocate, SR. No.54831(01/11/2021)

CRL.O.P.No.18684 of 2021

NK(CO)
KKV/29/10/2021