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Crl.R.C.No.798 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.798 of 2022

GTL Infrastructure Limited,
Rep.by its Authorised Signatory,
Office at New No.232/Old No.186,
City Centre, 3rd Floor,
Kilpauk,
Chennai-600 010.

... Petitioner

Versus

Inspector of Police,
Ranipet Police Station,
Railway Station Road,
Ranipet,
Ranipet-632 401.

... Respondent

Prayer: Criminal Revision Case is filed under Sections 397 r/w. 401 of Cr.P.C., against the order dated 06.04.2022 made in C.M.P.No.515 of 2022 on the file of the District Munsif cum Judicial Magistrate, Ranipet.

For Petitioner : Mr.Abishek Jenasenan

for Mrs.Nivedha

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

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This revision is filed aggrieved by the order of the learned District Munsif cum Judicial Magistrate, Ranipet, Vellore District in C.M.P.No.515 of 2022 dated 06.04.2022 in and by which the learned Magistrate has refused the prayer of the petitioner to refer the complaint of the petitioner, dated 21.06.2021 for investigation as per Section 156 (3) of Cr.P.C.,

2. The reasons mentioned in the order passed by the learned Magistrate are that the complainant does not specifically mention on what date the machineries and towers were missing and on what date the complainant came to know of the same.

3. A perusal of the complaint would reveal that the machineries and towers were belonging to the defacto complainant, but, however, have been stealthily removed either by the landlord or third parties and if the same is true, it would amount to cognizable offence. Though specific dates are not given in the complaint, the prayer need not be rejected and appropriate direction can be given to the respondent/police to conduct



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the preliminary enquiry, if any *prima-facie* case is made out and thereafter, register the case.

4. In view of the above, this Criminal Revision Case is allowed on the following terms:-

i) The order of the learned District Munsif cum Judicial Magistrate, Ranipet, dated 06.04.2022 made in C.M.P.No.515 of 2022 is set aside.

ii) The learned Magistrate is directed to forward the complaint of the petitioner dated 21.06.2021 to the respondent/police to conduct a preliminary enquiry as directed by the Hon'ble Supreme Court of India in the case of ***Lalita Kumari vs.State of U.P.***, reported in (2014) 2 SCC 1 and if the offence is made out, register the complaint and proceed in accordance with law and to decide the matter, as the case may be.

28.06.2022

Index : Yes / No

Speaking Order : Yes / No

ssn



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D.BHARATHA CHAKRAVARTHY, J.,

ssn

To

1. The District Munsif cum Judicial Magistrate,
Ranipet.
2. The Inspector of Police,
Ranipet Police Station,
Railway Station Road,
Ranipet,
Ranipet-632 401.
3. The Public Prosecutor,
High Court of Madras.

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28.06.2022