



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.18374 of 2021

Matharsha

...Petitioner/Complainant

Vs.

1. Muthukumar

2. Veeramani

3. Mohana Priya

4. Revichandiran

5. Mutharasan

...Respondents/Accused Persons

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to direct the learned Chief Judicial Magistrate, Cuddalore to adhere the Hon'ble Supreme Court Judgment of Dr.Subramanisamy Vs. Dr.Manmohan Singh & others and to commence the prosecution and further proceed the case in CMP.No.175 of 2021 on the file of the Chief Judicial Magistrate Court, Cuddalore.

For Petitioner : Mr.M.Velmurugan

For Respondents : No Appearance

ORDER

This Petition had been filed to direct the learned Chief Judicial Magistrate, Cuddalore to adhere the Hon'ble Supreme Court Judgment of Dr.Subramanisamy Vs. Dr.Manmohan Singh & others and to commence the Prosecution and further proceed the case in CMP.No.175 of 2021 on the file of the learned Chief Judicial Magistrate, Cuddalore.

2. The learned Counsel for the Petitioner submits that the Petitioner is a senior citizen. It is the contention of the learned Counsel for the Petitioner that the Revenue Authorities, Thittagudi Taluk Office, Cuddalore is alleged to have colluded and created false revenue records effecting the name transfer to the land belonging to the Petitioner's father. Therefore, the Petitioner preferred a Complaint but Police was reluctant to act



on Complaint. He had preferred a private Complaint with the Court of the learned Chief Judicial Magistrate, Cuddalore on 23.03.2021. Till date, the sworn statement of the Petitioner had not been recorded by the learned Chief Judicial Magistrate. Therefore, aggrieved by the indifference shown by the learned Chief Judicial Magistrate, the Petitioner had approached this Court by filing this Petition under Section 482 of Cr.P.C., seeking direction to the learned Chief Judicial Magistrate.

3. When the case came up for hearing on an earlier occasion, the then learned Single Judge had sought remarks from the learned Chief Judicial Magistrate, Cuddalore.

4. Today, the learned Chief Judicial Magistrate offered his explanation. As per the remarks offered by the learned Chief Judicial Magistrate, the case was adjourned from 25.03.2021 to 15.04.2021. Subsequently adjourned to 29.04.2021 and then adjourned to 09.06.2021 "due to Covid 19 lock-down, the Court could not proceed". Therefore, it was taken up on 09.07.2021. From 09.07.2021 adjourned to 06.08.2021. On 06.08.2021, the Complainant was absent and it was adjourned to 16.08.2021. From 16.08.2021 since the Judge was on Other Duty, it was adjourned. The learned Chief Judicial Magistrate had given undertaking that he will dispose of the case at the earliest.

4. Considering the remarks offered by the learned Chief Judicial Magistrate, it is found that for the reasons best known to the learned Chief Judicial Magistrate, prior to the lock-down, he had adjourned it repeatedly. Therefore, the grievance of the Petitioner is found justified.

5. The learned Chief Judicial Magistrate is directed to record the sworn statement of the Petitioner along with any other witnesses that he intends to examine as witness and to pass appropriate orders within a reasonable period of fifteen days from the date of receipt of a copy of this Order or from the date of uploading this Order on the website of this Court.

With the above discussion, this Criminal Original Petition is disposed off.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Judicial Magistrate,
Cuddalore.

2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.18374 of 2021

MG (CO)
RGA (22/06/2022)