

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.06.2022
CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19559 of 2021

K.Bharathi

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. The District Superintendent of Police,
Tiruppur,
Tiruppur District.

2.The State represented by
The Inspector of Police,
Vellakovil Police Station,
Tiruppur District.
(Crime No.642 of 2018)

3.The CBCID,
Tiruppur,
Tiruppur District.

... Respondents

Prayer: This Criminal Original Petition had been filed under Section 482 of Criminal Procedure Code to direct the Hon'ble Judicial Magistrate Court, kangeyam to take cognizance of the Objection Petition in SR.No.6964 dated 16.10.2019 filed by the Petitioner by numbering it.

For petitioner
For Respondents

: A.Manimaran
: Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition had been filed to direct the learned Judicial Magistrate Court, Kangeyam to take cognizance of the Objection Petition in SR.No.6964, dated 16.10.2019, filed by the Petitioner by numbering it.

2.The learned Counsel for the Petitioner submitted that a case had been registered in Cr.No.642 of 2018 on the file of the Vellakovil Police Station. Instead of proceeding with the investigation, the Investigation Officer had filed Referred

Charge Sheet. Notice of the Referred Charge Sheet was not served on the Complainant/the Petitioner herein. It is the submission of the learned Counsel for the Petitioner that as per the proceedings of the learned Judicial Magistrate, the notice of Referred Charge Sheet was not served. Therefore, Referred Charge Sheet is not taken on file. But, when the Petitioner had filed Crl.O.P.No.33727 of 2021 seeking direction from this Court on earlier occasion, based on the submissions of the then Public Prosecutor, this Court had closed it as not served and the notice of Referred Charge Sheet was affixed on the dwelling house of the Petitioner. It is the submission of the Petitioner that the said submission of the Public Prosecutor was accepted by this Court. Whereas, the endorsement on the records of the learned Judicial Magistrate gives a different version. Considering the same, Referred Charge Sheet notice has been served on the defacto-complainant. Therefore, the learned Judicial Magistrate had not accepted the Referred Charge Sheet.

3. In the light of the records enclosed along with this Petition, the submission made by the learned Counsel for the Petitioner is accepted and the learned Judicial Magistrate, Kangeyam is directed to number the case, if it is otherwise in order and hear the Protest Petition and pass appropriate orders on the same.

4. With the above said direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(co)

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Sub Assistant Registrar

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To

1. The Judicial Magistrate, Kangeyam.

2. The Superintendent of Police,
O/o. The District Superintendent of Police,
Tiruppur, Tiruppur District.

3. The Inspector of Police,
Vellakovil Police Station,
Tiruppur District. (Crime No. 642 of 2018)

4. The CBCID, Tiruppur, Tiruppur District.

5. The Public Prosecutor, High Court, Madras.

Crl.O.P.No.19559 of 2021

mg(CO)

A.SK(11/07/2022)