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Crl.O.P.No.25291 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25291 of 2022

S.Khalid Ali

... Petitioner

Vs.

1.State Rep. by Sub Inspector of Police,
N-3, Muthiyalpet Police Station,
Chennai 600 001.
(Crime No.128 of 2014)

2.S.Lathiff @ Abdul Lathiff

3.L.Hameetha @ Hameeth Fathima

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in M.P.No.327 of 2020 on the file of the XVI Metropolitan Magistrate, George Town, Chennai, to direct the learned Magistrate to issue the certified copy of the order passed in the petition under Section 311 of Cr.P.C., filed by the second and third respondent.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records in M.P.No.327 of 2020 on the file of the XVI Metropolitan Magistrate, George Town, Chennai and to direct the learned Magistrate to issue the certified copy of the order passed in the petition under Section 311 of Cr.P.C., filed by the second and third respondent.

2.The learned Counsel appearing for the petitioner submitted that on the complaint given by the petitioner, a case has been registered in Crime No.128 of 2014 for the alleged offences under Sections 294(b), 427, 448 and 506(i) of IPC by the first respondent police. After completion of enquiry, charge sheet has been filed and the case was taken on file by the learned XVI Metropolitan Magistrate, George Town, Chennai 1, in C.C.No.160 of 2015. During the pendency of the case, the petitioner was examined as PW1 in chief, but, he was not cross examined by the respondents 2 & 3. Later, the respondents 1 & 2 had filed petition under Section 311 of Cr.P.C., in M.P.No.327 of 2020 for the purpose of cross examining PW1. Subsequently, the petitioner had filed the petition under Section 301(2) of Cr.P.C., before the learned XVI Metropolitan Magistrate, George Town, Chennai 1 and the same has not been numbered. Thereafter, the



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petitioner filed another petition in S.R.No.2045 of 2022 with regard to get the certified copy of the petition filed by the respondents 1 & 2 under Section 311 of Cr.P.C., in M.P.No.327 of 2020 and the same was allowed on 08.01.2020 and the petitioner has got the certified copy of the petition alone, wherein, the filing date of the petition under Section 311 of Cr.P.C., in M.P.No.327 of 2020 was not referred and the same was not reflected in the Court diary. Hence, the present petition has been filed.

3. I have considered the matter in the light of the submissions made by the learned counsel for the petitioner.

4. On perusal of the records, it is seen that the Court received the petition filed under Section 311 of Cr.P.C by the accused 1 & 2 in C.C.No.160 of 2015. However, the date of filing of M.P.No.327 of 2020 is not found in the Court diary. According to the petitioner, as on date, the Trial Court has not passed any orders in M.P.No.327 of 2020 in C.C.No.160 of 2015. Under these circumstances, since the filing date of the M.P.No.327 of 2020 is not reflected in the Court diary, the learned counsel for the petitioner may represent the above said fact to the Trial Court itself and not before this Court. Therefore, I find no merit in this petition.



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V.SIVAGNANAM, J.

shk

5. Accordingly, this Criminal Original Petition stands dismissed.

19.10.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

shk

To

1. The Sub Inspector of Police,
N-3, Muthiyalpet Police Station,
Chennai 600 001.

2. The Public Prosecutor,
High Court of Madras.

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