



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.898 of 2021

Raja @ Rajamanickam

... Petitioner/Petitioner/
Defacto Complainant

Vs.

State represented by,
The Sub-Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(Crime No.289 of 2015).

... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to the order passed in Cr.M.P.No.299 of 2018, dated 05.03.2021 on the file of the learned Principal District Munsif cum Judicial Magistrate Court, Karaikudi, Sivagangai District and set aside the same and restore the above said petition.

For Petitioner

: Mr.T.Veerakumar

For Respondent

: Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed to set aside the order passed in Cr.M.P.No.299 of 2018, dated 05.03.2021 on the file of the learned Principal District Munsif cum Judicial Magistrate Court, Karaikudi, Sivagangai District.

2.The petitioner lodged a complaint and the same been registered in Crime No.289 of 2015. Thereafter, the respondent completed the investigation and closed as 'mistake of fact' and filed referred charge-sheet before the learned Principal District Munsif cum Judicial Magistrate Court, Karaikudi, Sivagangai District. Aggrieved by the same, the petitioner filed a protest petition in Cr.M.P.No.299 of 2018 and the same was dismissed for default, by an order, dated 05.03.2021.

3.The learned counsel appearing for the petitioner would submit that the petitioner may be given one more opportunity to putforth his case before the Court below.



4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5.Considering the above, this Criminal Revision Case is allowed and the order passed in Cr.M.P.No.299 of 2018, dated 05.03.2021 on the file of the learned Principal District Munsif cum Judicial Magistrate Court, Karaikudi, Sivagangai District, is set aside and the learned Principal District Munsif cum Judicial Magistrate Court, Karaikudi, Sivagangai District, is directed to issue notice to the petitioner and counter parties, if any and decide the petition in Cr.M.P.No.299 of 2018, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Principal District Munsif cum Judicial Magistrate Court,
Karaikudi, Sivagangai District.
- 2.The Sub-Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

**Crl.R.C(MD)No.898 of 2021
24.02.2022**

MGJ(10.03.2022) 3P 6C