



Crl.R.C.(MD).No.1083 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1083 of 2022

1. Usha

2. Packiam

... Revision Petitioners /
Accused No.2 and 3

Vs.

The State, represented by
The Sub Inspector of Police,
Thirunagar Police Station,
Madurai District.
(Crime No.442/2016).

... Complainant / Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to set aside the order passed in Cr.MP.No. 1191 of 2021 dated 13.10.2022 in C.C.No.938 of 2020 on the file of the Learned Judicial Magistrate Court No.VI, Madurai and allow this Criminal Revision.

For Petitioner : Mr. Balamuruganantham.R

For Respondent : Mr. Ravi.S
Additional Public Prosecutor



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ORDER

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This Criminal Revision Case has been filed against the order passed by the learned Judicial Magistrate Court No.VI, Madurai in Cr.MP.No.1191 of 2021 in C.C.No.938 of 2020 dated 13.10.2022.

2. The facts in brief:

The revision petitioner is facing charges under Section 420 and 506(i) of IPC in C.C.No.938 of 2020 before the learned Judicial Magistrate Court No.VI, Madurai, and these revision petitioners along with the first accused have filed the petition seeking discharge under Section 239 of Cr.P.C. and that was dismissed by the trial Court on 13.10.2022. Against the above said petition, this revision has been preferred.

3. At the time of hearing, the learned counsel for the revision petitioner would submit that no reason has been mentioned in the order passed by the trial Court.

4. Noting that some of the pages are missing in the above said order, the entire records and report have been called for from the concerned trial



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Court and the same were submitted before this Court. Even in the records, this Court found that one or two pages are missing. But along with the report, the trial court has submitted the order, in which, the trial Court found that the petitions that were filed by these petitioners came to be dismissed. Since para No.4 to 10 were not available in the order, that was the issued to the revision petitioners, they are not in a position to know the reason for dismissal.

5. Since the proper order was not supplied to the revision petitioners, the revision is allowed and the order passed by the trial Court in Cr.MP.No. 1191 of 2021 in C.C.No.938 of 2020 dated 13.10.2022 is set aside. Further, the trial Court is directed to restore the above said petition to file and hear the petition and pass orders as per law.

6. With the above said direction, this revision petition stands allowed.

21.12.2022

Index : Yes / No
Internet : Yes / No
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G.ILANGO VAN,J.

indu

To

- 1.The Sub Inspector of Police,
Thirunagar Police Station,
Madurai District.
- 2.The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court,
Madurai.

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