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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30/11/2022

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.RC(MD)No.1159 of 2022

and

Crl.MP(MD)No.14565 of 2022

Sundarambal Middle School
represented by Head Master
G.Joseph Jeyaseelan,
Keeraithurai,
Madurai-1.

: Petitioner/Petitioner

Vs.

State of Tamil Nadu
Represented by Sub Inspector of Police,
Keeraithurai Police Station,
Madurai City,
Madurai-1.

: Respondent/Respondent

PRAYER:-This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order in Crl.M P No.8441 of 2021, dated 20/10/2022 on the file of the Judicial Magistrate No.IV, Madurai and permit the petitioner to conduct the prosecution in CC No.391 of 2018 on the file of the Judicial Magistrate No.IV, Madurai.



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For Petitioner : Mr.C.Godwin
For Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

O R D E R

This Criminal Revision has been filed seeking in order to set aside order passed in CrI.M P No.8441 of 2021, dated 20/10/2022 on the file of the Judicial Magistrate No.IV, Madurai and permit the petitioner to conduct the prosecution in CC No.391 of 2018 on the file of the Judicial Magistrate No.IV, Madurai.

2.Heard both sides.

3.Perusal of the records shows that the petition that was filed by the revision petitioner was dismissed for default, even though the learned counsel appearing for the petitioner made an elaborate argument with regard to the power of the court to permit the de-facto complainant to take prosecution privately.

4.Since the impugned order has not been passed on merit, considering the above said issue, the order of dismissal passed by the trial court is set aside and the





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G.ILANGOVAN, J

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