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Crl.RC.No.402 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM:

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.402 of 2020
and Crl.M.P.No.3225 of 2020

G.Chandrasekhar

...Petitioner

Vs.

1.Veda

2.Sahana

...Respondents

Prayer: Criminal Revision filed under Section 397 of Criminal Procedure Code, to stay all further proceedings in Crl.M.P.No:31/2019 (Old No:4735/2019) in M.C.No.22 of 2019 (Old M.C.No.28/2015) on the file of the Learned Judicial Magistrate, Alandur until the disposal of the Crl.R.C.No.402/2020.

For Petitioner : Mr.K.Arvind

For Respondent : Mr.Anbuselvan for R1 & R2



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ORDER

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2.In the petition under Section 128, the Court had passed the interim order. Aggrieved over the same, the respondent therein is before this Court.

3.Since M.C.No.28 of 2015 is pending for more than seven years without being progressed, taking advantage of the interim order, now the parties as well as the Court is trying to deviate from the proceedings which are against the object of the summary procedures which was originally incorporated in the Criminal Procedure Code. Unfortunately one way or other way summary procedures under Section 128 being deviated.

4.Considering facts of the case, the learned Magistrate is directed to dispose of the main M.C. within a period of two months without any further delay in accordance with law. The respective parties are directed



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to cooperate for early disposal and comply with the order of this Court.

However, earlier order is only an order of interlocutory application strictly speaking no revision would lie even assuming the revision lies. Since the matter to be decided in the main M.C. and whatever the amount paid pending this revision that can be adjusted with the order passed in the main M.C.

5. With the above observation, this Criminal Revision is disposed of. Consequently, the connected miscellaneous petition is closed.

09.01.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
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To

1. The Judicial Magistrate Court,
Additional Mahila, Alandur.
2. The Public Prosecutor,
Madras High Court, Chennai.



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P.VELMURUGAN, J.

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