



WEB COPY



CrI.O.P.No.3668 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.3668 of 2023

Guna

...

Petitioner

/vs/

The Inspector of Police,
Velankankanni Police,
Nagapattinam District.
Crime No.288 of 2022

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records and set aside the docket order in CrI.M.P.No.153 of 2022 in P.R.C.No.3 of 2022 dated 19.12.2022 pending before the District Munsif Cum Judicial Magistrate, Kilvelur.

For Petitioner

... Mr.P.Eswaran

For Respondent

... Mr.S.Santhosh
Government Advocate (CrI. Side)



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ORDER

This Criminal Original Petition has been filed to call for the records and set aside the docket order in CrI.M.P.No.153 of 2022 in P.R.C.No.3 of 2022 dated 19.12.2022 pending before the District Munsif Cum Judicial Magistrate, Kilvelur.

2. The learned counsel for the petitioner submitted that petitioner filed petition under Section 317 of Cr.P.C before the District Munsif Cum Judicial Magistrate, Kilvelur and the same was dismissed on 19.12.2022. Challenging the dismissal order, present petition is filed.

3. The learned Government Advocate (CrI. Side) submitted that there are totally 19 accused in this case. One or the other accused remained absent and delayed the committal proceedings. Not only that, petitioner had not complied the conditions imposed by this Court while granting bail.



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4. It is seen from the order of the District Munsif Cum Judicial Magistrate, Kilvelur that the accused in this case, one or the other regularly remained absent and thus delayed the committal of the case. It is also stated that the conditions imposed on the petitioner while granting bail was not complied.

5. Therefore, this Court is of the view that the reason stated by the learned District Munsif Cum Judicial Magistrate, Kilvelur for dismissing the petition under Section 317 of Cr.P.C is just and appropriate and this Court finds no reason to interfere with the order.

6. Accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to approach the learned Judicial Magistrate for recall of warrant, if any issued against the petitioner.

22.02.2023

Index: Yes/No
Speaking/Non speaking order
sma

NOTE : Registry is directed to issue order copy on 23.02.2023



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G.CHANDRASEKHARAN, J.

sma

To

1. The learned District Munsif Cum Judicial Magistrate,
Kilvelur
2. The Inspector of Police,
Velankankanni Police,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

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