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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.RC.No. 880 of 2023
and CrI.M.P.No. 7054 of 2023

Yelarai @ Arasu @ Rajkumar

... Petitioner

Versus

1.The Executive Magistrate cum
Sub-Collector
Virudhachalam

2. The State represented by
The Inspector of Police
Neyveli Police Station
Virudachalam

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 read with 401 of Criminal Procedure Code, to set aside the order dated 26.11.2022 made in M.P.No.118/2022 on the file of the Executive Magistrate cum Sub-Collector, Virudhachalam to allow the Criminal Revision Case.

For Petitioner : Mr.G.Gayathri

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

This Criminal Revision Case has been filed to set aside the order dated 26.11.2022 made in M.P.No.118/2022 on the file of the Executive Magistrate cum Sub-Collector, Virudhachalam to allow the Criminal Revision Case.

2. As rightly pointed by the learned counsel for the petitioner, the impugned order passed under Section 122(1)(b) Cr.P.C by the first respondent cannot be sustained in view of the judgment passed by the Division Bench of this Court vide Order dated 13.03.2023 passed in Cr.R.C.Nos.137/2018 etc. Thus, the impugned order is liable to be set aside.

3. Accordingly, this Criminal Revision Case stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

11.05.2023

dhk

Note: Issue Order Copy on 12.05.2023.



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SUNDER MOHAN, J.

dhk

To

1. The Superintendent of Central Prison
Cuddalore

2. The Inspector of Police
Neyveli Police Station
Virudachalam

3. The Public Prosecutor,
High Court of Madras.

Crl.RC.No.880 of 2023
and Crl.M.P.No. 7054 of 20223

11.05.2023
(2/2)