



Crl.O.P.No.14301 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14301 of 2023

Saravanan

... Petitioner

Vs.

Santhi

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the returned docket order made in C.C.No. 100 of 2021 on the file of Hon'ble Judicial Magistrate FTC Kallakurichi dated 31.03.2023 subsequently direct the Learned Judicial Magistrate FTC Kallakurichi to take a case on file in unnumbered petition filed u/s 311 of Cr.P.C.

For Petitioner : Mr.K.Karupaiyamooppanar

ORDER

This Criminal Original Petition has been filed to set aside the returned docket order made in C.C.No.100 of 2021 on the file of Hon'ble Judicial Magistrate FTC, Kallakurichi dated 31.03.2023 subsequently directing the Learned Judicial Magistrate FTC, Kallakurichi to take the case on file in unnumbered petition filed u/s 311 of Cr.P.C.



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2. The learned counsel for the petitioner submitted that the petitioner filed a petition under Section 311 Cr.P.C for recall of P.W.1. The petition was returned by the learned Judicial Magistrate FTC, Kallakurichi. Challenging the said order, this petition is filed.

3. This Court finds from the written endorsement dated 31.03.2023 that the petition was returned for the reason that P.W.1 was already cross examined and the recall petition filed earlier was dismissed. However, instead of returning the petition, the learned Judicial Magistrate FTC, Kallakurichi should have numbered the petition and after hearing the counsel for the parties, passed orders either dismissing or allowing the petition. Returning the petition is not correct.

4. Therefore, the written endorsement dated 31.03.2023 made in C.C.No.100 of 2021 is hereby set aside and the learned Judicial Magistrate FTC, Kallakurichi is directed to number the recall petition, give notice to other side, after giving an opportunity of hearing to both sides, dispose of the petition on merits and in accordance with law.



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5. With the above direction, this Criminal Original Petition is disposed
of.

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Index:Yes/No
Speaking/Non speaking order
mn



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G.CHANDRASEKHARAN.J.,

mn

To

The Judicial Magistrate FTC, Kallakurichi.

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