



Crl.R.C.No.1436 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.R.C.No.1436 of 2017

G.Sairam

... Petitioner

Versus

The State Rep by
Inspector of Police,
Villupuram Town Police Station,
Villupuram.

... Respondents

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. to set aside the order passed in R.C.S.No.24 of 2017 on the file of the Judicial Magistrate-I, Villupuram dated 12.07.2017.

For Petitioner : Mr.S.Arokia Maniraj

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner has filed this revision seeking to set aside the order passed in R.C.S.No.24 of 2017 by the learned Judicial Magistrate-I, Villupuram.



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2. The contention of the petitioner is that the petitioner lodged a complaint on 21.10.2015 to the Inspector of Police, Villupuram Town Police Station, Villupuram, complaining that one Arachelvam, S/o.Ramamurthy had put up a lock on the petitioner's shop. Hence, a complaint lodged. Based on his complaint C.S.R.No.249 of 2015 assigned, enquiry conducted. On 27.10.2015 the said Arachelvam along with his muscle man broken out the lock and taken away the Iron PVC pipes and Belt valued around Rs.3,00,000/-, which was informed to the petitioner by one Palani. Though a case in Crime No.314 of 2015 registered for offence under Sections 448 and 380 I.P.C. on 31.10.2015, thereafter, no action has been taken. Neither the petitioner nor the said Palani was called for any enquiry. This being so, the petitioner asked to receive the closure notice in R.C.S. No.24 of 2017 dated 12.07.2017. The order of the learned Judicial Magistrate is cryptic without any application of mind. Hence, the present petition is filed.



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3. On the directions of this Court, C.D. file produced. On perusal of the same it is seen that on registration of F.I.R. on 31.10.2015 all the witnesses have been examined on the same day. One Vinoth and Sambandam examined as observation mahazar witnesses, Sairam/petitioner, Palani, employer of the shop, Annadurai, neighbouring shop person, Gunasekaran, Raju and Mohan, who used to visit the shop, who all spoken about the petitioner's brother-in-law running the shop and thereafter closed it for some time and later the petitioner claiming the shop. One Balaji S/o.Chakkarai, Vasanthi/petitioner's sisters and Usharani, owner of the land (shop) have been examined almost on the same day and a closure report made ready on the same day, which are found in the Case Diary.

4. Learned counsel for the petitioner submits that no such statement or closure report is neither served to the petitioner nor available before the trial Court.



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5. Learned Government Advocate (Crl. Side) appearing for the respondent submits that all the statements and records submitted to the Court today. The copy of the same would be served to the petitioner.

6. In view of the same, the order dated 12.07.2017 in R.C.S.No.24 of 2017 is set aside.

7. Recording the submission of the learned Government Advocate, this Criminal Revision Case is allowed, giving liberty to the petitioner to file appropriate petition before the trial Court by way of protest, make his submission. The Lower Court is directed to hear the petitioner, receive, if any documents produced, consider the case on its own merits and to pass appropriate orders, without delay.

09.01.2023

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

rsi



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To

1.The Judicial Magistrate-I,
Villupuram.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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