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Crl.R.C.No.1806 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1806 of 2023

Bismillah International Private Limited,
Its owner Mohammed Anash,
S/o.A.Babu Sagul Hameed,
49, Nabi Nayagam Street,
Vazhapadi, Belur, Salem – 636104.

... Petitioner

Vs.

1.Jagadeeshwaran
2.Aadeeshwaran

... Respondents

PRAYER: Criminal Revision Case filed under Sections 397 r/w. 401 of Cr.P.C, prayed to set aside the order dated 27.04.2023 in C.M.P.No.1302 of 2021 on the file of District Munsif Court cum Judicial Magistrate, Vazhapadi and allow the above Criminal Revision.

For Petitioner : Mr.R.Nalliyappan



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ORDER

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This Criminal Revision Case has been filed to set aside the order dated 27.04.2023 made in C.M.P.No.1302 of 2021 on the file of District Munsif-cum-Judicial Magistrate, Vazhapadi.

2. The petitioner/complainant has filed a complaint under Sections 156(3) and 200 Cr.P.C. against the respondents before the learned District Munsif-cum-Judicial Magistrate, Vazhapadi. Thereafter the learned Judicial Magistrate by an order dated 07.01.2023, directed the Inspector of Police, Vazhapadi Police Station to conduct an enquiry in this regard under Section 202(1) of Cr.P.C. The Inspector of Police, Vazhapadi on receipt of the order of the learned Judicial Magistrate, on 23.01.2023, conducted an enquiry and sent a report to the learned Judicial Magistrate. Now the petitioner's prayer is to set aside the order dated 27.04.2023 in C.M.P.No.1302 of 2021 whereby the learned Judicial Magistrate found that the pecuniary jurisdiction of the offence involved is more than 5 lakhs, hence, only District Crime Branch,



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Salem has jurisdiction to file an FIR and conduct enquiry. Hence, the complaint was closed directing the petitioner to file the complaint before the appropriate jurisdictional Station or jurisdictional Court. Against which, the present revision has been filed.

3. The contention of the petitioner is that Vazhapadi police had conducted an enquiry and now asking the DCB police to conduct another enquiry on the point of pecuniary jurisdiction will not be required.

4. This Court, on perusal of the lower Court order, finds that the lower Court on the complaint of the petitioner, forwarded the same under Section 202(1) Cr.P.C. to Vazhapadi Police Station for preliminary enquiry. The Inspector of Police, Vazhapadi Police Station conducted an enquiry and submitted his report. Thereafter, the lower Court on the point of pecuniary jurisdiction found that it is the DCB, Salem to conduct enquiry or investigation in this regard.



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5. In view of the same, the learned District Munsif-cum-judicial Magistrate, Vazhapadi is directed to transmit all the papers in C.M.P.No.1302 of 2021 to the file of learned jurisdictional Judicial Magistrate, Salem, who is empowered to take cognizance under Section 190(1) Cr.P.C., who is competent to enquire into or try District Crime Branch Cases, Salem to take further course of action in this regard.

6. With the above direction, this Criminal Revision Case is disposed of.

31.10.2023

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order
rsi



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- To
- 1.The District Munsif-cum-judicial Magistrate,
Vazhapadi.
 - 2.The Judicial Magistrate No.VI,
Salem.
 - 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR,J.

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