



Crl.O.P.No.6193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.03.2023

CORAM:

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

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K.Subburam

... Petitioner

Vs.

R.K.Barani

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate I at Chengalpattu to dispose the C.C.No.07 of 2020 pending therein in light of section 252 and 264 of Cr.P.C

For Petitioner : Mr.S.Ruban Prabu

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate I, Chengalpattu to dispose the C.C.No.07 of 2020 pending therein in the light of section 252 and 264 of Cr.P.C



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2. It is the submission of the learned counsel for the petitioner that the accused/2nd respondent filed memo on 24.02.2021 stating that he had paid Rs.1,10,000/- to the defacto complainant/petitioner and undertook to pay the balance amount on or before first week of June 2021. Thereafter, the accused did not pay the amount.

3. In the said circumstances, learned counsel for the petitioner prays that, direction may be given to the Judicial Magistrate to convict the accused, on the basis of pleading guilty.

4. It is seen from the memo dated 24.02.2021 that accused/2nd respondent paid a sum of Rs.1,10,000/- admitting his liability and prays time till 1st week of June, 2021 for making balance payment. It is also seen from the report that, accused/2nd respondent has not appeared before the Court and has also not paid the amount undertook to be paid by him. Therefore, learned counsel for the petitioner prays this Court to direct the Judicial Magistrate I, Chengalpattu to dispose the C.C.No.07 of 2020 under Section 252 and 264 of Cr.P.C. Section 264 applies for only summary trial cases. Apparently, this case was not taken as S.T.C. It is a settled proportion of law, that, even if the accused admitted the offence by pleading guilty, he can be convicted only if there is legal evidence for conviction.



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5. Therefore, learned Judicial Magistrate I, Chengalpattu is directed to dispose the C.C.No.07 of 2020 on merits and in accordance with law within a period of one month from the date of receipt of copy of this order.

6. With the above observations and directions, this Criminal Original Petition is disposed of.

17.03.2023

Internet: Yes
Index: Yes/No
Sma

To:

Judicial Magistrate I, Chengalpattu.



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G.CHANDRASEKHARAN, J.
sma

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