



Crl.MP No.18826 of 2023
in
Crl.RC SR No.50646 of 2023

WEB COPY

M.NIRMAL KUMAR, J.

This petition has been filed to condone the delay of 90 days in filing the criminal revision against the order of the Judicial Magistrate No.1, Poonamallee in Crl.M.P.No.806 of 2023, dated 26.06.2023.

2. It is seen that the petitioner, as de facto complainant, had lodged a complaint with the respondent police and a case in Cr.No.45 of 2019 was registered. Thereafter, the petitioner had moved this Court in Crl.O.P.No.2190 of 2021, complaining inaction on the part of the police. This Court directed the respondent police to complete the investigation and file a final report. The respondent police filed closure report in the form of 'further action dropped', vide CMP No.2109 of 2021. Thereafter, the petitioner had filed his objection before the Judicial Magistrate No.1, Poonamallee, which rejected the closure report and directed the respondent police to investigate the matter, vide its order dated 15.11.2021. Again, the respondent police had filed a closure report. This is done despite this Court specifically ordering investigation to find out the genuineness of the patta on which the accused persons are claiming some right. The patta issued by the Revenue Divisional Officer was quashed by this Court in WP No.15215 of 2017 and 31684 of 2017, finding it to be forged. Learned Judicial Magistrate accepted the closure report filed by the police vide order dated



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26.06.2023 mainly on the ground that the High Court has quashed the patta issued by the Revenue Divisional Officer. Against the said order, the present revision has been filed.

3. The learned Public Prosecutor submits that he has no serious objections in the matter; since the petitioner has already approached the Writ Court and has obtained necessary orders. The learned Public Prosecutor fairly submits that the delay may be condoned. The learned Public Prosecutor seeks time to file his counter-affidavit in the main case.

4. For the reasons stated in the affidavit and also considering the fact that the learned Public Prosecutor has no serious objection, this petition is allowed and the delay is condoned.

5. Registry is directed to number the revision if it is otherwise in order.

05.12.2023

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