



Crl.R.C.No.1172 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.1172 of 2018

Rajan

.. Petitioner

Vs.

1. The Executive Magistrate and
Deputy Commissioner of Police,
Washermenpet,
Chennai.

2. The Inspector of Police,
H8, Thiruvotriur Police Station,
Chennai – 600 019.

.. Respondent

PRAYER : This Criminal Revision Case is filed under Section 397 read with Section 401 of Cr.P.C., to call for the entire records in connection with M.P.No.1 of 2018 in R.C.No.29/Sec.pro/DCP WPT/2018 on the file of the Executive Magistrate and Deputy Commissioner of Police, Washermenpet, Chennai and set aside the order passed by the Executive Magistrate and Deputy Commissioner of Police, Washermenpet, Chennai dated 30.07.2018 in M.P.No.1 of 2018 in R.C.No.29/Sec.pro/DCP WPT/2018.

For Petitioner : Mr.V.Paarthiban

**For Respondents : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)**



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ORDER

This Criminal Revision Petition has been filed to call for the entire records in connection with M.P.No.1 of 2018 in R.C.No.29/Sec.pro/DCP WPT/2018 on the file of the Executive Magistrate and Deputy Commissioner of Police, Washermenpet, Chennai and set aside the order passed by the Executive Magistrate and Deputy Commissioner of Police, Washermenpet, Chennai dated 30.07.2018 in M.P.No.1 of 2018 in R.C.No.29/Sec.pro/DCP WPT/2018.

2. As per the Division Bench of this Court reported in CDJ 2023, MHC 1826 (P.Sathish @ Sathish Kumar Vs. State rep.by The Inspector of Police-Law&Order, Chennai and another), the first respondent/The Executive Magistrate and Deputy Commissioner of Police, Washermenpet, has no power to pass an order under Section 122(1) (b) of Cr.P.C and accordingly this Criminal Revision Petition is allowed and the order passed by the learned Executive Magistrate and Deputy Commissioner of Police, Washermenpet, Chennai is set aside.

18.04.2023

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Internet : Yes/No
Neutral citation : Yes/No

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To

1. The Executive Magistrate and
Deputy Commissioner of Police,
Washermenpet,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Madras.



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RMT.TEEKAA RAMAN,J.,
nvi

order in
Crl.R.C.No.1172 of 2018

18.04.2023