



Crl.R.C.(MD) No.225 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.225 of 2023

J.Franklin Machadu

... Petitioner/Complainant

Vs.

1.State through
The Sub Inspector of Police,
South Police Station,
Tuticorin,
Tuticorin District.

2.R.Ansi

3.Raja

4.R.Joshua

...Respondents

Prayer : This Criminal Revision has been filed under Section 397(1) and 401 of Criminal Procedure Code, to call for records in Crl.M.P.No.14535 of 2022 dated 11.01.2023 on the file of learned Judicial Magistrate – I, Tuticorin, Tuticorin District and set aside the above order.



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For Petitioner : Mr.KA.Raamakrishnan
For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.14535 of 2022 closing the petition filed under Section 156(3) Cr.P.C.

2. It is seen from the records that the petitioner has filed a complaint under Section 156(3) Cr.P.C. and the learned Magistrate, after considering the same, has passed an order dated 29.11.2022 forwarding the complaint and directed the Station House Officer to find out as to whether the complaint discloses any cognizable offence and to submit a report within a period of 15 days from the date of receipt of a copy of that order. In pursuance of the same, the first respondent has conducted a preliminary enquiry and submitted a report dated 09.01.2023, wherein, it has been stated that since the amount involved exceeded Rs.20,00,000/-, the District Crime Branch is the competent authority to register an FIR and proceed further and that the learned Magistrate, after receipt of the said report, has passed one line order “Report received. No *prima facie* case. Hence this petition is closed.”



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3. It is evident from the said order that the learned Magistrate has not conducted any enquiry, but only on the basis of the report, that was called for from the first respondent, the impugned order was passed. The learned Magistrate has not also given any reason to give a finding that there is no *prima facie* case when the first respondent, in his report, has specifically observed that cognizable offence was disclosed.

4. Considering the above, the impugned order, which is non-speaking order, is not good in law and the same is liable to be set aside.

5. In the result, this Criminal Revision Petition is allowed and the impugned order in Cr.M.P.No.14535 of 2022 dated 11.01.2023 is set aside and the learned Judicial Magistrate No.I, (FAC), Thoothukudi is directed to consider the report submitted by the first respondent and pass fresh orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

13.03.2023

NCC : Yes/No
Index : Yes/No
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K.MURALI SHANKAR, J.

csn

To:-

- 1.The Sub Inspector of Police,
South Police Station,
Tuticorin,
Tuticorin District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**ORDER MADE IN
Crl.R.C.(MD)No.225 of 2023**

13.03.2023