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CrI.O.P.(MD)No.10232 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD) No.10232 of 2023

Usha Vijayakumar

... Petitioner

Vs.

1.The Sub-Inspector of Police,
Kollemcode Police Station,
Kanniyakumari District.

2.Ananthu

3.Maheshwari

4.Ajitha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and to Set-aside the alteration report filed by the respondent No.1, dated 21.02.2021, before the Learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, in Cr.No.66/2021 in STC No.621/2021 on the file of the respondent.

For Petitioner : Mr.J.Pandi Dorai

For Respondent : Mr.B.Nambiselvan for R1
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to call for the records



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and to Set-aside the alteration report filed by the respondent No.1, dated 21.02.2021, before the Learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, in Cr.No.66/2021 in STC No.621/2021 on the file of the respondent.

2.The grievance of the petitioner is that by deleting one Ananthu from the case and also deleting some of the penal provisions, alteration report has been filed before the learned Judicial Magistrate No.II, Kulithalai, on 21.02.2021.

3.The learned Additional Public Prosecutor would submit that against two accused persons namely Maheshwari and Ajith, final report has been filed and they have also appeared before the learned Judicial Magistrate No.II, Kulithalai and admitted their offence in S.T.C.No.621 of 2021 and paid the fine amount of Rs.1,000/-.

4.The grievance of the petitioner is that either at the time of filing deleting report or at the time of taking cognizance, by the learned Judicial Magistrate No.II, Kulithalai, notice was not served upon him to express his grievance or remedy. On that ground this petition has been filed.



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5.Perusal of records shows that no such notice has been sent to the petitioner at the time of deletion. On that ground the order of taking cognizance is set aside and the learned Judicial Magistrate No.II, Kulithalai, is directed to serve notice to the petitioner. So that he can appear and make his grievance redressed. The above said process be completed within a period of fifteen days from the date of receipt of a copy of this order. It is also made clear that this order will apply only in respect of the deleted accused and not for the accused persons, who have already appeared, admitted the offence and paid the fine amount.

6.With the above said directions, this criminal original petition stands disposed of.

14.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
TM

To

- 1.The Judicial Magistrate No.II, Kulithalai, Kanniyakumari District.
- 2.The Sub-Inspector of Police,
Kollemcode Police Station,
Kanniyakumari District.



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G.ILANGOVAN. J.

TM

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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