



CrI.O.P.(MD) No.8435 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.8435 of 2023

Birmalingam

... Petitioner

Vs

1. The Inspector of Police,
Siruganoor Police Station,
Trichirappalli District.

2. Muthusamy @ Durai

3. Varadharajan

4. Palanirajan

5. Nadarajan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court, to direct the learned Judicial Magistrate No.II, Lalgudi to proceed the trial in C.C No. 65 of 2022 by considering and implementing his own order in Cr.M.P No. 01 of 2017 and consequently dispose the same properly and expeditiously in section 483 of Cr.P.C.



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For Petitioner : Mr.S.Ramesh

For R1 : Mr.R.Suresh Kumar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.II, Lalgudi to proceed in accordance with the order passed in Crl.M.P.No.1 of 2017 (C.M.P.No.1225 of 2017), dated 07.08.2018

2.The grievance of the petitioner is that without taking note of the order passed by the learned Judicial Magistrate No.II, Lalgudi in Crl.M.P.No.1 of 2017 (C.M.P.No.1225 of 2017), dated 07.08.2018, the learned Judicial Magistrate No.II, Lalgudi without implementing his own order, proceeds with the trial in C.C.No.65 of 2022, on the basis of earlier final report which was filed after deleting Section 307 of IPC. Even though, a report was called for from the trial Court, the trial Court has not submitted the same, whereas, produced the copy of above said petition.



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3.In the docket order Cr.M.P.No.1 of 2017, dated 07.08.2018 it was ordered as follows:

“... C.M.P.No.1225 of 2017 is allowed, prima facie case is made out. Hence this final report taken on file in PRC No.15 of 2018 under Sections 294(b), 324, 307 of IPC.....”

4.However, it is submitted by the learned petitioner's counsel that summon had been issued to the accused in C.C.No.65 of 2022 and they have also appeared and the same is posted for trial.

5.In view of the above, the order passed in CrI.M.P.No.1 of 2017 (C.M.P.No.1225 of 2017), dated 07.08.2018 must be complied first. Till then, the trial is kept in abeyance. There shall be a direction to the learned Judicial Magistrate No.II, Lalgudi to proceed in accordance with law, in pursuance to the order passed in CrI.M.P.No.1 of 2017 (C.M.P.No.1225 of 2017), dated 07.08.2018.



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6.With the above said directions, this Criminal Original Petition
stands disposed of.

28.06.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

1. The Judicial Magistrate No.II, Lalgudi
2. The Inspector of Police,
Siruganoor Police Station,
Trichirappalli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN, J.

PNM

ORDER IN
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