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CRL.R.C.(MD).No.463 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD).No.463 of 2023

B.Silambarasan

: Petitioner

Vs.

1.State rep.by the Inspector of Police,
M.Reddiapatti Police Station,
M.Reddiapatti.

2.Balaji

3.Saravanan (a) Saravanakumar

: Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397(1) r/w 401 of Cr.P.C, to call for the records and set aside the order passed by the Judicial Magistrate Court, Aruppukottai in Cr.M.P.No.1461 of 2023 on 28.03.2023.

For Petitioner : Mr.M.Jothi Basu,

For R1 : Mr.SS.Madhavan,
Government Advocate (Criminal Side)

ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.1461 of 2023, dated 28.03.2023, on the file of the Judicial



Magistrate Court, Aruppukottai, dismissing the petition filed under Section 156(3) Cr.P.C.

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2. The main contention of the petitioner is that the respondents 2 and 3, who were working under the petitioner's petrol bunk, had taken away 106 cheques from the Office and after coming to know about the same, he has preferred the complaint under Section 156(3) Cr.P.C, and that the learned Magistrate, without considering the existence of the *prima facie*, by simply observing that the respondents 2 and 3 had already filed the complaints under Section 138 of Negotiable Instruments Act against the petitioner, dismissed the petition filed under Section 156(3) Cr.P.C.

4. As rightly contended by the learned Government Advocate (Criminal Side), the learned Magistrate has specifically observed that after receiving the pre-complaint notice, dated 07.11.2022, the petitioner has preferred the complaint alleging that the cheques were stolen.

5. Considering the above facts and circumstances of the case, the impugned order, dismissing the petition filed under Section 156(3) Cr.P.C., cannot be found fault with. Hence, this Criminal Revision is devoid of merits and the same is liable to be dismissed. Accordingly, is



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dismissed. The petitioner is at liberty to file a private complaint, if so advised.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

1. The Judicial Magistrate, Aruppukottai.
2. The Inspector of Police,
M.Reddiapatti Police Station,
M.Reddiapatti.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

Order made in
CRL.R.C.(MD).No.463 of 2023

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