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Crl.O.P.(MD)No.10967of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.06.2023**

CORAM:

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

Crl.O.P.(MD)No.10967 of 2023

M. Murugan

... Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police Station,
Kumbakonam Taluk Police Station,
Kumbakonam,
Thanjavur District.

... Respondent/Respondent

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C.,
to direct the Judicial Magistrate No.2 to taken on file and pass order in
pursuant to the unnumbered Crl.M.P.S.R.No.676 of 2023 on the file of
the learned Judicial magistrate No.2. Kumbakonam and allow the above
original petition.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking direction to



the learned the Judicial Magistrate No.II, Kumbakonam, to take the unnumbered Crl.M.P. S.R. No. 676 of 2023 on the file and pass orders.

2.The petition filed by the petitioner under Sections 451 and 457 Cr.P.C. was returned by the trial Court on the ground that communication has been received from the competent authority intimating initiating confiscating proceedings.

3.The maintainability should not be decided on the administrative's side without even numbering the petition. It must be taken on the judicial side and also opportunity must be given to the petitioner. On the sole ground, the above said order is liable to be set aside.

4.Accordingly, the docket order made in unnumbered Crl.M.P.S.R.No.676 of 2023, on the file of the Judicial Magistrate Court No.II, Kumbakonam, is hereby set aside. Let the above said returned petition be represented before the learned Judicial Magistrate No.II, Kumbakonam, by the petitioner. The learned Judicial Magistrate No.II, Kumbakonam, shall process the above said petition and decide the same on its judicial side. For that purpose, let the above said petition be returned back to the petitioner by the Registry.



Crl.O.P.(MD)No.10967of 2023

WEB COPY

4. With the above said directions, this Criminal Original Petition is allowed.

20.06.2023

Index : Yes/No

Internet : Yes/No

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To

1. The Judicial Magistrate No.II, Kumbakonam.

2. The Inspector of Police Station,
Kumbakonam Taulk Police Station,
Kumbakonam,
Thanjavur District.

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



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G.ILANGOVAN. J.

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