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CrI.O.P.(MD)No.20708 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2023**

CORAM:

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

CrI.O.P.(MD)No.20708 of 2023

K.Sekar

... Petitioner/Petitioner

Vs.

The Inspector of Police,
City Crime Branch Police Station,
Trichy District.
(In Crime No.10/2023)

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate No.I, Trichy, to number the unnumbered Cr.M.P No.Nil of 2023 filed on 06.11.2023 by the petitioner under section 167(2) of Cr.P.C.

For Petitioner : Mr.A.Arun Prasad

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed, seeking direction to the learned Judicial Magistrate No.I, Trichy, to number the unnumbered Cr.M.P No.Nil of 2023 filed on 06.11.2023, by the petitioner under section 167(2) of Cr.P.C.



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2. The learned counsel for the petitioner would submit that the petitioner is facing charges under Sections 420, 294(b), 506(ii) and 34 IPC. He applied for bail before the concerned trial Court in Cr.M.P. No. 5510 of 2023. By the order dated 04.11.2023, bail was granted to the petitioner, on condition to deposit a sum of Rs.10,00,000/-. But unable to mobilise the fund, he could not execute the sureties and also comply the conditions. So, he remains in custody. After completion of the statutory period, he moved an application before the concerned Court. Maintainability was questioned by the trial Court. It was argued. After that it was not pressed. Later another application came to be filed by the petitioner. It was returned by the trial Court stating that already application filed by the petitioner seeking similar relief was not pressed, without getting any liberty. Without entertaining the above said application on the judicial side, on the administrative side, it was returned. Challenging the above said return order, this petition has been filed.

3. The trial Court ought to have entertained that petition on the judicial side. Deciding maintainability on the administrative side, may not be proper. On the sole ground, without going into other aspects, the above said return order is set aside. Let the above said application be



Crl.O.P.(MD)No.20708 of 2023

represented before the concerned trial Court immediately. So that the concerned trial Court can entertain this petition on the judicial side and decide the same on its own merits.

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

20.11.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 21.11.2023.

To

1.The Inspector of Police,
City Crime Branch Police Station,
Trichy District.

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



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CrI.O.P.(MD)No.20708 of 2023

G.ILANGOVAN. J.

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