



Crl.O.P.No.1918 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2024

CORAM:

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

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T.Jawahar

...Petitioner

Versus

CEDAR Financial Service,
Represented by its Proprietor Mr.Manase,
No.369, 1st Floor, 4th Cross Street,
KK Nagar, Madurai – 625 020.

...Respondent

Prayer:Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the return docket order dated 07.09.2023 made in the complaint in C.C.SR.No.2536/2023 by the learned Judicial Magistrate No.II, Madurantakam and direct the aforesaid Learned Judicial Magistrate No.II, Madurantakam to take the aforesaid complaint on its file, if it is otherwise in order.

For petitioner : Mr.G.Magesh Kumar

For respondents : No Appearance



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ORDER

This petition has been filed challenging the docket order dated 07.09.2023 wherein the petitioner was directed to file the complaint through on-line mode.

2. Heard Mr.G.Magesh Kumar, learned counsel for the petitioner.

3. It is seen from the record that the petitioner has originally filed the complaint on 23.06.2023. This was within the period of limitation. The complaint was returned for certain deficiencies. Thereafter, the petitioner represented the complaint on 07.09.2023. It was returned with an endorsement that “complaint should be filed through on-line mode”. On the date when the complaint was originally filed, physical filing was available. However, on 03.07.2023, the notification came to be issued and the filing of the complaint was mandated through on-line platform.

4. The petitioner is facing a predicament since if he files the complaint through on-line mode, the complaint will be beyond the period of limitation. This is in view of the fact that the date of filing through on-



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line mode will be taken to be the date of filing and the limitation will be calculated accordingly. Hence, the petitioner is insisting that the complaint has to be received through physical mode.

5. Taking into consideration of the facts and circumstances of the case and the grievance expressed by the petitioner and also taking into account the fact that the notification for compulsory filing through on-line mode had come into effect only on 03.07.2023 and the petitioner had filed the complaint even before that on 23.06.2023, there shall be a direction to the Court below, to entertain the case in physical mode and to proceed further in accordance with law.

6. This petition is disposed with the above directions.

19.02.2024
(2/2)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation Case: Yes/No

nst

Note:-Registry is directed to return back the original complaint to the learned counsel for the petitioner in order to enable the petitioner to represent the same before the Court below.



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N. ANAND VENKATESH,J.

nst

To:

1. Learned Judicial Magistrate No.II,
Madurantakam
- 2.The Public Prosecutor
High Court of Madras.

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