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CrI.O.P.No.3249 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.3249 of 2024

Gnanavel

.. Petitioner

Vs.

The State by
The Inspector of Police,
Central Crime Branch, Team 32
Chit & Kandhuvatti, Vepery,
Chennai – 600 007.

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order dated 24.01.2024 passed in CrI.M.P.No.94 of 2024 in C.C.No.71 of 2021 by the Judicial Magistrate No.1, Tambaram, Chengalpet District.

For petitioner : Mr.P.Rathanavel

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order dated 24.01.2024 passed in CrI.M.P.No.94 of 2024 in C.C.No.71 of 2021 by the Judicial Magistrate No.1, Tambaram, Chengalpet District.



2. When the matter came up for hearing on 15.02.2024, this Court passed the following order:

“Mr.A.Damodaran, learned Additional Public Prosecutor takes notice on behalf of the respondent.

2. The grievance that has been expressed by the petitioner is that already an application was filed under Section 301 of Cr.P.C., seeking to assist the prosecution and it was allowed. However, it is alleged that there has been absolutely no co-operation from the side of the Prosecutor and Prosecutor is not even responding to the petitioner, Therefore, the petitioner was forced to file an application under Section 302 of Cr.P.C.,

3. The learned Additional Public Prosecutor shall take instructions in this regard and report before this Court.

4. Post this case under the same caption on 26.02.2024.”

3. The matter was thereafter listed on 28.02.2024 and this Court passed the following order:

“Pursuant to the earlier order passed by this Court on 15.02.2024, the learned Additional Public Prosecutor has received instructions from the Additional Public Prosecutor who is appearing before the Court below. He submitted that the learned Additional Public Prosecutor appearing before the Court below is willing to co-operate with the petitioner and the counsel representing the petitioner.

2. Just because there was some exchange of words during the first occasion when an attempt was made by the counsel to call the Additional Public Prosecutor over phone, that does not mean that there



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will be total non-cooperation on the part of the Additional Public Prosecutor. This matter can be easily resolved over a cup of tea.

3.It is stated that the case is posted for examination of LW1 on 02.03.2024. This Court wants to see the further development on 02.03.2024 and thereafter, pass further orders in this case.

4.Post this case under the same caption on 07.03.2024.”

4.Pursuant to the above orders, there is proper cooperation on the side of the learned Additional Public Prosecutor and the same has been reported to this Court.

5.Recording the above, this Criminal Original Petition is disposed of.

07.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

N.ANAND VENKATESH, J.

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To

<https://www.mhc.tn.gov.in/judis>



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1.The Judicial Magistrate No.1,
Tambaram, Chengalpet District.

2.The State by
The Inspector of Police,
Central Crime Branch, Team 32
Chit & Kandhuvatti, Vepery,
Chennai – 600 007.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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