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CrI.O.P.No.20021 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.20021 of 2024

Durai Raj

... Petitioner

Vs.

The State Rep.By
The Inspector Of Police,
CCB Police Station,
Chennai

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, pleaded to set aside the Returned Docket Order dated 14.06.2024 passed by the Learned Metropolitan Magistrate, (CCB and CBCID Cases), Egmore, Chennai in unnumbered CrI.MP in CC.No.9649/2017

For Petitioner : Mr.C.R.Gokul viswas

For Respondent : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition is filed challenging the docket order of the Metropolitan Magistrate, (CCB and CBCID Cases), Egmore, Chennai.

2. The petitioner herein/ the accused in C.C.No.9649/2017 has



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filed application under Section 311 Cr.P.C., to recall PW.7 and PW.9.

The said application was returned with an endorsement that the matter been posted for arguments and already adjourned for five times. While so, without seeking reopen of the case, petition to recall filed. Therefore, the petitioner sought to explain how the petition is maintainable.

3. The learned counsel appearing for the petitioner states that the learned Magistrate ought not to have returned the application under Section 311 Cr.P.C., for want of application to reopen. Five hearings and for arguments cannot be the reason to return the application. Therefore, seeks intervention of this Court.

4. This Court is unable to understand why the above submissions made by the petitioner not stated in the recall petition and represent in time. Instead of representing the petition rectifying the reason for return, the petitioner has approached this Court. This Court finds no perversity or illegality in the docket order challenged. Instead of explaining the reason, the petitioner has approached this Court under Section 482 Cr.P.C. Hence this ***Criminal Original Petition is dismissed.***

The Registry is directed to return the original application filed under



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Section 311 Cr.P.C to the petitioner herein.

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Neutral Citation : Yes/No
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To

1.The Metropolitan Magistrate, (CCB and CBCID Cases), Egmore,
Chennai

2.The Inspector Of Police,
CCB Police Station,
Chennai

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

Dr.G.JAYACHANDRAN,J.

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