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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

SUO MOTU CrI.R.C.No.1130 of 2024

1.Aaron Kumar
S/o. Jayaraman

2.State represented by
The Inspector of Police
CBCID-OCU-II Police Station,
Chennai.

... Respondents

PRAYER: Suo Motto Criminal Revision has been filed under Section 397 r/w.401 of Cr.P.C. Praying to call for the records on the file of the XI Metropolitan Magistrate, Saidapet, Chennai passed in CrI.M.P.No.9936 of 2024, dated 10.06.2024 and set aside the same and pass further orders.

For Respondents : Mr.R.Sankarasubbu for R1

: Mr.L.Baskaran
Government Advocate (CrI.Side)

ORDER

By order dated 28.06.2024 made in CrI.O.P.Nos.13915 & 13913 of 2024 this Court had stayed the order in CrI.M.P.No.9936 of 2024 by the learned Metropolitan Magistrate-XI, Saidapet as being in violation of provisions of Section 167 Cr.P.C.

Page No.1/5



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2. Pursuant to the direction of this Court, dated 01.07.2024, Mr.N.Vasudevan, learned Metropolitan Magistrate-XI, Saidapet is present before this Court. I had enquired him as to why such an illegality had been committed and he had submitted before this Court that the petitioners in CrI.O.P.Nos.13913 & 13915 of 2024 were present before the Court at 10.00 a.m. And that they were also directed to be remanded to judicial custody before raising for lunch and that the said process had taken some time for them to be actually remanded to judicial custody. The said explanation submitted by the learned Metropolitan Magistrate-XI, Saidapet is taken on record. As being satisfactory and also of the opinion that there is no necessity for any further proceedings.

3. Today, it is reported by the learned Metropolitan Magistrate-XI, Saidapet that the first respondent had been secured and has been remanded to judicial custody.

4. Mr. Sankarasubbu, learned counsel for the first respondent represents and would seek this Court to grant bail in exercise of powers under Section 439 Cr.P.C. which I am not inclined to. He is at liberty to file a regular bail application, if he is so advised.



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5. Considering the order passed by the learned Metropolitan Magistrate-XI, Saidapet in CrI.M.P.No.9936 of 2024 in Crime No.5 of 2023 dated 10.06.2024 is in violation of section 167 Cr.P.C. and the said order is set aside.

5. Accordingly, this Suo Motu is closed.

02.07.2024

gba

Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

To

The Inspector of Police,
For State,
CBCID-OCU-II Police Station,
Chennai.



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K.KUMARESH BABU,J.

Gba

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