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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. No.6244 of 2024

R.Chandran

...Petitioner

Vs

R.Murugesan

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the impugned docket order dated 18.07.2023 in unnumbered CRLR No. of 2023 on the file of the learned Sessions Judge, Udhagamandalam and consequently, to direct the learned Sessions Judge, Udhagamandalam, to number the unnumbered CRLR No. of 2023 revision petition filed against C.C.No.23 of 2021 dated 17.04.2023 on the file of the learned Judicial Magistrate, Udhagamandalam.

For Petitioner : M/s.M.V.V.N.Sivanthy



ORDER

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This criminal original petition has been filed challenging the docket order passed by the Court below dated 18.07.2023, refusing to entertain the criminal revision filed by the petitioner against the dismissal of the complaint for non-prosecution in C.C.No.23 of 2021 by order dated 17.04.2023.

2.When the matter came up for hearing on 14.03.2024, this Court directed the learned Judicial Magistrate, Udhagamandalam to send the copy of the order that was passed on 17.04.2023 in C.C.No.23 of 2021. The case was posted for hearing today.

3.When the matter was taken up for hearing today, the report of the learned Judicial Magistrate, Udhagamandalam along with the order dated 17.04.2023 has been placed before this Court.

4.On carefully going through the report, it is seen that the learned Judicial Magistrate has given certain reasons as to why the complaint was dismissed under Section 256 of Cr.P.C., and that since the proper procedure was not followed, the copy of the order was not furnished to the petitioner.



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5.It is not necessary for the Court to stand on technicalities. Now that the order dated 17.04.2023 is available, the learned Judicial Magistrate, Udhagamandalam is directed to furnish the certified copy of the order passed in C.C.No.23 of 2021 dated 17.04.2023, within a period of one week from the date of receipt of copy of this order. The petitioner shall file a copy application in this regard. On receipt of the order, the petitioner is directed to workout his remedy in accordance with law.

6.This criminal original petition is disposed of with the above direction.

27.03.2024

Index : Yes/No

Speaking order:Yes/No

ssr

Note:Issue Order Copy on 28.03.2024

To

1.The Sessions Judge,
Udhagamandalam.

2.The Judicial Magistrate,
Udhagamandalam.



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N.ANAND VENKATESH, J

SSR

3.The Public Prosecutor,
High Court, Madras.

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