



WEB COPY



CrI.RC No.1988 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.1988 of 2024

S.Sagayamarson

... Petitioner

Vs.

Venkatesan

... Respondent

PRAYER: Criminal Revision Case filed under Sections 438 r/w 442 of the BNSS, to set aside the order dated 10.10.2024 passed in C.M.P.No.704 of 2024 in C.C.No.204 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Thiruporur.

For Petitioner : Mr.R.Chitti Babu

ORDER

The Criminal Revision Petition has been filed challenging the order dated 10.10.2024 passed by the learned District Munsif cum Judicial Magistrate, Thiruporur, in C.M.P.No.704 of 2023 in C.C.No.204 of 2022 dismissing the petitioner's application filed under Section 339 of BNSS, to conduct the prosecution in this case.

2. The learned counsel for the petitioner would submit that the



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petitioner only intended to assist the prosecution and file written submissions at the end of the trial; that he does not wish to conduct the prosecution; and that the provision of law has been wrongly quoted before the trial Court.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. This Court finds that the order of the learned Magistrate dismissing the petitioner's application filed under Section 339 of BNSS, cannot be faulted as the petitioner has not made out any ground to conduct the prosecution. Therefore, the Criminal Revision Petition is dismissed with liberty to the petitioner to approach the learned Magistrate by filing a petition under Section 338(2) of BNSS to assist the prosecution and file written arguments in the trial.

**21.11.2024**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral citation: Yes/No.  
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To

The District Munsif cum Judicial Magistrate,  
Thiruporur.



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SUNDER MOHAN, J.

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