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Criminal Original Petition No.1330 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1330 of 2024

1.Nirmala

W/o.R.Murugadoss

2.R.Murugadoss

S/o.Ramanathan

... Petitioners

Vs.

M/s.City Union Bank,
represented by its Authorized Officer,
Mr.K.Ravikumar,
Arumbakkam Branch,
CD - 24, Razack Garden Street,
MMDA Colony,
Chennai - 600 106.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records of the trial Court and allow the above appeal by setting aside the order dated 21.08.2023 passed in CrI.A.No.181 of 2022 in CrI.M.P.No.8227 of 2022 in CrI.M.P.No.5646 of 2020 on the file of Chief Metropolitan Magistrate, Egmore.

For Petitioners : Mr.J.Jothi

For Respondent : Mr.A.Karthikeyan

ORDER



Criminal Original Petition No.1330 of 2024

WEB COPY

This Criminal Original Petition has been filed challenging the order passed by the Court below in CrI.A.No.181 of 2022, dated 21.08.2023.

2. Heard Mr.J.Jothi, learned counsel for petitioners and Mr.A.Karthikeyan, learned counsel for respondent and carefully perused the materials available on record.

3. The respondent bank had initiated proceedings under the SARFAESI Act. An order was also passed by the Chief Metropolitan Magistrate, Egmore, Chennai, in CrI.M.P.No.8227 of 2022 dated 27.07.2022 dismissing the application filed u/s.340 Cr.P.C. This application was filed on the ground that the order was obtained u/s.14 of the SARFAESI Act by concealing material facts.

4. The Court below dismissed the appeal mainly on the ground that it was devoid of merits and the claim of tenancy was not even proved by filing necessary documents. This Court does not find any ground to interfere with the order passed by the Court below. In any case, an order passed in criminal appeal cannot be subjected to challenge by filing a petition u/s.482 Cr.P.C. This Court does not find any merit in this petition.



Criminal Original Petition No.1330 of 2024

WEB COPY

Accordingly, this Criminal Original Petition is dismissed.

31.01.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

The Chief Metropolitan Magistrate,

Egmore.

N.ANAND VENKATESH, J.

gm



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