



Crl.O.P.No.24227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.24227 of 2024
and Crl.M.P.No.13640 of 2024

Rooby @ Rooby Christy

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
K4, Anna Nagar Police Station,
Chennai.
(Crime No.899 of 2009)

... Respondent

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside and call for the records order dated 21.08.2024 passed by the XX Additional District and Session Judge, City Civil Court, Allikulam in Crl.M.P.No.703 of 2024 in S.C.No.17 of 2023.

For Petitioner : Mr.R.Chandrasudan
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order dated 21.08.2024 passed by the XX Additional District and Session Judge, City Civil Court, Allikulam in Crl.M.P.No.703 of 2024 in S.C.No.17 of 2023.



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2. It is seen from the impugned order that it is nothing but cut

and paste order from the petition filed under Section 311 of Cr.P.C.

Whereas the petitioner filed petition to discharge him from the entire charges. On this sole ground, the impugned order cannot be sustained and liable to be set aside.

3. Accordingly, the impugned order dated 21.08.2024 passed by the XX Additional District and Session Judge, City Civil Court, Allikulam in Crl.M.P.No.703 of 2024 in S.C.No.17 of 2023, is hereby set aside. The matter is remanded back for fresh trial. The trial Court is directed to pass fresh orders in Crl.M.P.No.703 of 2024 in S.C.No.17 of 2023, after hearing the parties, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

4. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

06.02.2025

Neutral citation : Yes/No
Speaking/non-speaking order
rts



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To
WEB COPY

1. The XX Additional District and Session Judge,
City Civil Court, Allikulam.

2. The Section Officer,
Criminal Section,
Madras High Court,
Chennai.



WEB COPY



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G.K.ILANTHIRAIYAN, J.

rts

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