



Crl.RC.No.1942 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1942 of 2024 and

Crl.M.P.No.15932 of 2024

G.Nagasubramaniam

... Petitioner

Vs.

1. The State rep. by

The Sub Inspector of Police

Forged Document Investigation Section

Central Crime Branch, Beta-8

Vepery, Crime No.256 of 2023

Chennai - 600 007

2. J.Anburaj

Head Constable (26075)

Commissionerate of Greater Chennai

Office of the Commissionerate of

Greater Chennai

Vepery, Chennai - 600 07

... Respondents

Prayer: Criminal Revision Case filed under under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside



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the order dated 21.09.2024 made in Crl.M.P.No.57219 of 2024 in C.C.No.2148

of 2024 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.N.Manoharan
For 1st Respondent : Mr.S.Sugendran
Additional Public Prosecutor
For 2nd Respondent : No Appearance

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 21.09.2024 made in Crl.M.P.No.57219 of 2024 in C.C.No.2148 of 2024 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner has been arrayed as an accused in Crime No.256 of 2023 on the file of the 1st respondent police for the offence under Sections 419, 420 and 170 IPC. The 1st respondent police, after completion of investigation laid charge sheet and the same was taken on file in C.C.No.2148 of 2024 by the Chief Metropolitan Magistrate, Egmore, Chennai. Subsequently, the petitioner filed a petition in



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CrI.M.P.No.57219 of 2024 invoking Section 239 Cr.P.C. for discharge. But

without hearing the petitioner, the Magistrate passed the impugned order.

Therefore, the present revision is filed.

3. The learned Additional Public Prosecutor appearing for the 1st respondent police submitted that the witnesses have spoken about the involvement of the petitioner. The learned Magistrate, on perusal of records, dismissed the petition and there is no merit in this case.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent police and also perused the materials available on record.

5. A perusal of the impugned order shows that the Magistrate has not made any observation regarding the submissions made by the counsel for the petitioner and there is no discussion about the grounds taken by the petitioner's counsel which itself shows that there is some force in the contention of the learned counsel for the petitioner.



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6. It is settled proposition of law that, if any application is filed before the trial Court, the trial Court has to give opportunity to the parties/counsel on either side and after hearing them, orders have to be passed on merits and without hearing or giving opportunity to them, no orders should be passed. Justice must not only be done but seemingly appears to have been done.

7. In this case, the Magistrate without following the principles of natural justice, has passed the impugned order. Therefore, this Court is inclined to set aside the impugned order.

8. Accordingly, the order dated 21.09.2024 passed by the Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.57219 of 2024 in C.C.No.2148 of 2024, is set aside and the matter is remitted back to the trial Court.

9. The respondents are directed to file their counter, if any, before the trial Court on or before 17.02.2025.



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10. The Magistrate is directed to hear both sides from 19.02.2025

onwards and dispose of the matter on or before 28.02.2025 on merits and in accordance with law.

11. With the above directions, this Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is closed.

05.02.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issue order copy on 12.02.2025.



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To
WEB COPY

1. The Chief Metropolitan Magistrate, Egmore, Chennai.
2. The Sub Inspector of Police
Forged Document Investigation Section
Central Crime Branch, Beta-8
Vepery,
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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