



Crl.O.P.(MD)No.14787 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.09.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.14787 of 2025

L.G.Sarath Inigo

... Petitioner/Accused

Vs.

- 1.The State of Tamil Nadu rep. by,
The Additional Director General of Police,
State Crime Records Bureau,
Santhome High Road,
Raja Annamalaipuram,
Chennai.
- 2.The Commissioner of Police,
O/o. The City Police,
Tirunelveli City.
- 3.The Additional Deputy Commissioner of Police,
CCRB,
O/o.The City Police,
Tirunelveli City.
- 4.The Assistant Commissioner of Police,
CCRB, O/o.The City Police,
Tirunelveli City.
- 5.Kannan,
The Inspector of Police (L & O),
C-1, Palayamkottai Police Station,
Tirunelveli City.
(At Present Working as Not Known).



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6. Mcclarine Eskhol,
The Assistant Commissioner of Police (Crime),
Town SDO,
Tirunelveli City.
(At Present Working as the DSP, DVAC, Tirunelveli).

7. Feroz Khan,
The Deputy Commissioner of Police (Crime),
Tirunelveli City Police,
(At Present Working as Not Known).

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside a Docket order, dated 07.08.2025, passed by the learned Sessions Judge - II, Tirunelveli District and consequently direct to number the petition filed by the petitioner under section 340 of Cr.P.C. in Crl.M.P.SR.No. 3860/2025, dated 12.07.2025, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.D.Vijay Antony
For R-1 to R-4 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the docket order dated 07.08.2025 and to direct the learned Sessions Judge to number the petition filed by the petitioner under Section 340 of Cr.P.C in Crl.MP.SR.No. 3360 of 2025 dated 12.07.2025.

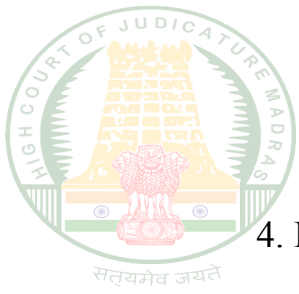


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2. The learned counsel for the petitioner would submit that the petitioner had filed a similar petition under Section 340 of Cr.P.C., which was numbered and taken on file by the learned Sessions Judge in Crl.M.P.No.778 of 2021 and that the same was dismissed for default on 06.06.2025. He would further submit that since there is no provision in Cr.P.C to file a petition to set aside the order of dismissal for default, a fresh petition was filed.

3. It is seen from the return and docket entry that objections have been raised by the Registry of the Sessions Court as to the maintainability of the second petition. This Court is of the view that since the earlier petition was dismissed for default, a fresh petition cannot be entertained. There is no infirmity in the impugned docket order. Consequently, the direction sought for by the petitioner cannot be issued. However, the petitioner is at liberty to challenge the order dated 06.06.2025, dismissing his petition for default, if he is so advised and provided there are justifiable reasons for the petitioner's non-appearance.



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4. In view of the above, the Criminal Original Petition stands dismissed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

Note : Registry is directed to return the original impugned order to the petitioner after retaining a copy of the same.

To

- 1.The Sessions Court, Tirunelveli District.
2. The Additional Director General of Police,
State Crime Records Bureau,
Santhome High Road, Raja Annamalaipuram,
Chennai.
- 3.The Commissioner of Police,
O/o. The City Police, Tirunelveli City.
- 4.The Additional Deputy Commissioner of Police,
CCRB, O/o.The City Police,
Tirunelveli City.
- 5.The Assistant Commissioner of Police,
CCRB,
O/o.The City Police,
Tirunelveli City.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SUNDER MOHAN, J.

Lm

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