

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2022

## CORAM:

# THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

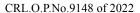
# CRL.O.P.No.9148 of 2022

A.Senthilkumar ... Petitioner

Versus

- 1.Thiru.Nandhakumar, Sub Inspector of Police-cum-Station House Officer, Villianur Police Station, Puducherry -605 110.
- 2.Thiru.V.Kuppusamy, S.G.H.C. 2272, Villianur Police Station, Villianur, Puducherry – 605 110.
- 3.Thiru.H.Hameed Hussain, S.G.H.C 2353, Villianur Police Station, Villianur, Puducherry – 605 110.
- 4.A.Lalitha
- 5.V.Arjunan
- 6.Manikandan
- 7.A.Kannan ... Respondents

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PRAYER: Criminal Original Petition filed under Section 482 of the Code VEB Cof Criminal Procedure, to direct to dispose in Crl.M.P.No.3559 of 2020 pending on the file of the Judicial Magistrate No.III, Puducherry within the time stipulated fixed by this Court.

For Petitioner : M/s.R.Kalaiyarasi

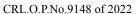
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#### **ORDER**

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.III, Puducherry to dispose Crl.M.P.No.3559 of 2020.

2.It is submitted by the learned counsel appearing for the petitioner that despite proof affidavit has been filed, the same has not been taken on file by the learned Judicial Magistrate No.III, Puducherry. Hence, she seeks direction of this Court.

3.On perusal of the records, it appears that the petitioner has filed a private complaint pressing various allegations.



4.At the outset, this Court is of the view that merely on proof

affidavit, cognizance cannot be taken. As per Section 200 of Cr.P.C.,

whenever any cognizance to be taken in a criminal case, other than the

cases like under the Negotiable Instruments Act, 1881, the complainant

should be examined on oath. Without following the above procedure, the

petitioner cannot insist the Magistrate to take cognizance by filing proof

affidavit.

5.In such view of the matter, the petitioner shall adhere the

provision under the 200 Cr.P.C. If such procedure is followed, the

learned Judicial Magistrate No.III, Puducherry shall apply its mind and

decide the same on its own merits, as expeditiously as possible.

6. With the above directions, this Criminal Original Petition is

disposed of.

26.07.2022

Index: Yes/No

Internet: Yes/No

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# N.SATHISH KUMAR, J.

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To

The Judicial Magistrate Court No.III, Puducherry.

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