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CRL.O.P.No.9148 of 2022

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



CRL.O.P.No.9148 of 2022

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct to dispose in CrI.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

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.III, Puducherry to dispose CrI.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.



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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.

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Internet: Yes/No

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To

The Judicial Magistrate Court No.III,
Puducherry.

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26.07.2022