

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Crl.O.P.No.30918 of 2014

D.Iruthayaraj

...Petitioner

vs.

The Copyist Superintendent,
Chief Metropolitan Magistrate Court,
Egmore, Chennai-600 008.

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent to furnish the certified copies of the document requested by the petitioner in C.A.No.4075 of 2014 dated 06.05.2014 in Crl.M.P.No.3626/2010 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.C.S.K.Sathish
For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This petition has been filed, seeking a direction to the respondent to furnish certified copies of the document requested by the petitioner in C.A.No.4075 of 2014 dated 06.05.2014 in Crl.M.P.No.3626/2010 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

2. It is submitted by the learned counsel for the petitioner that the petitioner sought for certified documents which were filed by CITI Bank before the learned Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.3626/2010 and the learned Chief Metropolitan Magistrate did not pass any order in the petition filed by the petitioner and therefore, this petition is filed. He further submitted that after filing of the petition before this Court, copy application was filed by the petitioner in C.A.No.4075 of 2014 in Crl.M.P.No.3626 of 2010 and it was returned by the learned Chief Metropolitan Magistrate with remarks that Sl.No.1 may be granted and documents mentioned in Sl.Nos.2 to 6 cannot be given. He therefore submitted that the petitioner only sought for certified copies of the documents furnished in Crl.M.P.No.3626 of 2010 for the purpose of

proceeding against the bank for having filed forged documents before the Court by playing fraud and therefore, prays that suitable direction may be given to the learned Chief Metropolitan Magistrate, Egmore, Chennai to give copies of those documents.

3. By order dated 16.12.2014 and 06.01.2015, the learned Chief Metropolitan Magistrate, Egmore, Chennai was directed to comply with the order passed on 26.11.2014 and finally, the learned Magistrate by his proceedings in Dis.No.17/2014A dated 8.01.2015, stated that the copies applied for in C.A.No.4075/2014 in CrI.M.P.No.3636/2010 on the file of that Court were kept ready in the copyist section of the Court (as per eligibility) for issuance of the applicant. It is not clear from the report of the learned Magistrate what he meant by "as per eligibility" in the remarks. If the documents were filed in CrI.M.P.No.3636/2010, the petitioner, being a opposite party in that petition, is entitled to get certified copies of those documents filed in that petition and there is no question of eligibility in applying for copies. Further it is seen from the description of documents mentioned in C.A.No.4075/2014 that the petitioner asked for certified copies of sale deed, statutory notice issued under Section 13(2) of the SARFAESI Act, demand notice published by the bank by way of advertisement, loan agreement and documents and the petition filed under Section 14 of the SARFAESI Act. In my opinion, there is no impediment in granting certified copies of those documents.

4. Hence, this Criminal Original Petition is allowed and the learned Chief Metropolitan Magistrate, Egmore, Chennai is directed to furnish certified copies of the documents sought for in C.A.No.4075 of 2014 dated 06.05.2014 in CrI.M.P.No.3626 of 2010, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To
1.The Copyist Superintendent,
Chief Metropolitan Magistrate Court,
Egmore, Chennai-600 008.

2.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.C.S.K.Sathish ,Advocate, SR.No.12369

Cr1.O.P.No.30918 of 2014

ala(co)
pmk.16.3.2015



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