

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.14184 of 2015

A.Leo Charles ... Petitioner/Complainant

Vs

M.Vijayakumar ... Respondent/Accused

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the learned Magistrate to issue the certified copy of the docket order in C.C.No.384 of 2011 on the file of the Judicial Magistrate Court No.II, Salem.

For Petitioner : Mr.V.K.Sathiamurthy

For Respondent : Mr.C. Emalias Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to direct the learned Magistrate to issue the certified copy of the docket order in C.C.No.384 of 2011 on the file of the Judicial Magistrate Court No.II, Salem.

2. Heard the learned counsel for the petitioner. The petitioner is the complainant in C.C.No.384 of 2011, that is pending before the Judicial Magistrate II, Salem. This petitioner made a copy application dated 30.03.2015 for certified copies of the docket orders and the learned Judicial Magistrate II, Salem has returned the copy application with the following order "Docket order cannot be furnished, hence returned. In K.Ramaiah Vs. R.Sudhakara Naidu in 2006(4) CTC 481, this Court has held as follows :

"4. Rule 339 of the Criminal Rules of Practice provides for issuance of copies to parties and it stipulates that copies of any portion of the record of a criminal case must be furnished to the parties concerned on payment of the proper stamp and the authorised fee for copying.

5. Pratap Singh,J., in the decision in Subramanian v. State through the Vigilance and Anti-Corruption, Cuddalore, 1994 (2) LW (Crl.) 773(1), held that docket entry is also portion of record

of a criminal case and it has to be furnished to a party on payment of proper stamp and authorised fee for copying.

8. The Trial Court cannot refuse to receive the copy Application and it is bound to follow Rule 339 in so far as copies to be given to the parties are concerned.

9. It is open to the petitioner to present the copy Application before the Trial Court within two weeks from today and on its being so presented, the Trial Court is directed to receive the same and adhere to Rule 339 of the Criminal Rules of Practice."

4. In view of the law laid down by this Court, the petitioner is directed to present a copy application before the Trial Court asking for the docket order, within two weeks from the date of receipt of this order and on a copy application being presented, the Trial Court is directed to process the same and issue the docket orders on payment of requisite charges.

5. With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To

1. The Judicial Magistrate-II
Salem.

2. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.C. Rajan, Advocate, S.R.No.28306

VGI (CO)
EU(02/07/2015)

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