

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.6423 of 2015

1. M/s Sastha Garments

Rep by its Partner

S.Chandrasekar

S.F.No.77/2, Periyandipalayam

Iduvampalayam Main Road

Tiruppur.

2.N.Chandrasekar

3.Varadharaj

...Petitioners

Vs

M/s Unique Colours

Rep by its Partnership Sundaram

No.10 1st Floor, KPN Colony

2nd Street, Tiruppur 641 601.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the docket order dated 09.01.2015 passed in C.M.P.No.1594 of 2014 in C.C.No.802 of 2013 on the file of the Judicial Magistrate-I, Tiruppur, Tiruppur District.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

2. It is seen that the accused filed an application under Section 91 Cr.P.C. for a direction to the complainant to produce certain documents in his custody. The complainant filed a counter stating that the documents are not handed over to him. Therefore, the learned trial Judge has passed the order impugned herein on 09.01.2015, wherein it is stated as follows:

".....Hence considering the reply given by the complainant, this Court cannot compel the complainant to produce the document. If the accused proves that the document is available with the complainant, the Court can take adverse inference in respect of the document against the complainant.

Hence this above observation this petition is dismissed."

3. I find no infirmity in the order passed by the learned Magistrate and the Magistrate is perfectly right in drawing adverse inference against the complainant. If the accused establishes that the documents are with the complainant, despite which he is not producing, such an inference can be drawn under Section 114(g) of the Evidence Act. Therefore, confirming the order of the learned Magistrate, this petition is closed.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

To

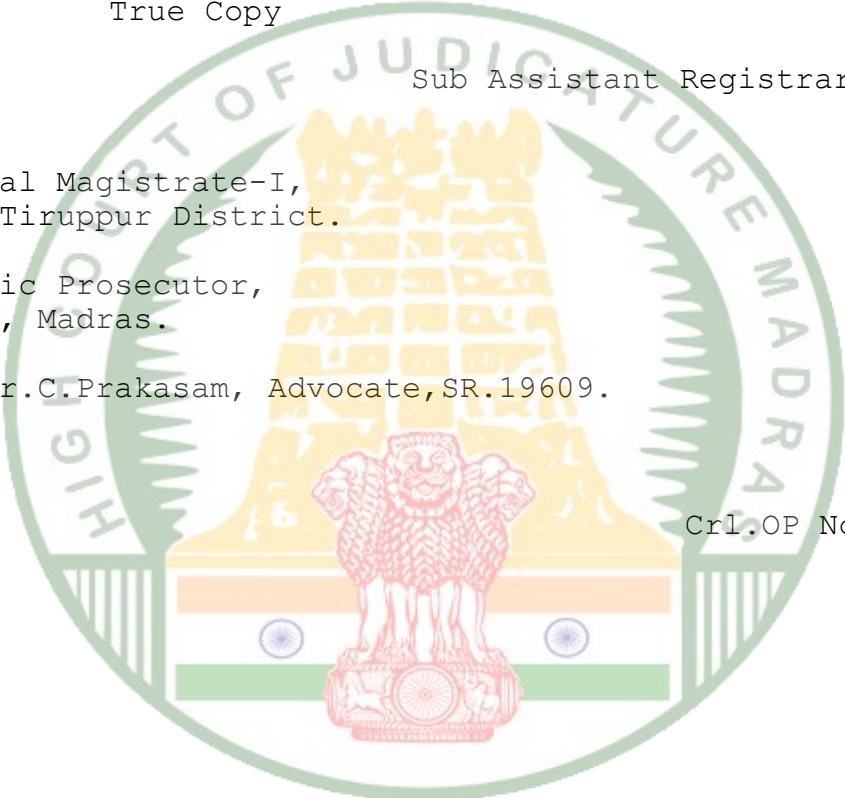
1. Judicial Magistrate-I,  
Tiruppur, Tiruppur District.

2. The Public Prosecutor,  
High Court, Madras.

+1 cc to Mr.C.Prakasam, Advocate, SR.19609.

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