



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Crl.O.P. (MD) No. 449 of 2011 and M.P. (MD) No. 1 of 2011

Ramprakash

... Petitioner

Vs.

Meyyappan

... Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the order dated 05.02.2010 passed in C.M.P.No.8308 of 2009 in STC.No.342 of 2008 on the file of the learned Judicial Magistrate, Pudukkottai to set aside the same.

For Petitioner : Mr.J.Anandkumar
For Respondent : No Appearance

O R D E R

The petitioner herein is an accused in S.T.C.No.342 of 2008, pending before the learned Judicial Magistrate, Pudukkottai. The petitioner filed an application in C.M.P.No.8308 of 2009 seeking certain documents. These documents are pertaining to the income tax returns, audited balance sheet and counter objection filed before the insolvency court. The said application was dismissed by the court below and therefore the present petition has been filed before this court.

3. The learned counsel for the petitioner submitted that what has been sought for is the relevant documents. Therefore, the court below ought to have allowed.

4. This court does not find any merit in this petition. The case is at the cross-examination stage. The respondent has also said in evidence that from 31.03.2006 onwards, income tax have not been filed. Therefore, in the absence of any material to show that the respondent has filed income tax returns, the court below has rightly rejected the application. After the initial presumption, the onerous is on the complainant to prove the case.

5. Thus, this court does not find any merit. Accordingly, this petition stands dismissed. However, taking into consideration of the fact that the case is pending for more than seven years, this court directs the learned Judicial Magistrate, Pudukkottai to dispose the case in S.T.C.342 of 2008 within a period of four months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/



To

The Judicial Magistrate, Pudukkottai.

Copy to

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.J.ANANDKUMAR, Advocate in SR.No. 32489

Pjl

SR/PPS : 01.07.2015 : 2p/4c

CrI.O.P.(MD)No. 449 of 2011
and M.P.(MD).No.1 of 2011
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