

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.12314 & 12315 of 2016

R.Mahamandra Ruban, Partner,
Gitanjali A/c. Restaurant and
Convention Centre,
No.32, Venkatesan Street,
T.Nagar, Chennai - 600 017.
Resi: 9/5, Arundale Beach Road,
Kalachetra Colony, Besant Nagar,
Chennai - 600 090.

...Petitioner in both Crl.OPs

Vs.

M.Koothambalam
rep. by his Power Agent K.Velusamy

... Respondent in both Crl.OPs

COMMON PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the III (FTC) Metropolitan Magistrate, Saidapet, Chennai-15, to provide all documents mentioned in the copy of application Nos.2380/2016 and 2381/2016 in C.C.No.3704/2016 and C.C.No.4411/2016 dated 02.06.2016 respectively for preparing appeal before the Court of Sessions Judge, Chennai.

For Petitioner: Mr.C.D.Johnson
for Mr.E.C.Ramesh

COMMON ORDER

These Criminal Original Petitions have been filed praying to direct the learned III Metropolitan Magistrate, Fast Track Court, Saidapet, Chennai-15, to provide all the documents mentioned in the Copy Application Nos.2380 & 2381/2016 in C.C.Nos.3704 & 4411/2016 dated 02.06.2016.

2. Heard Mr.C.D.Johnson, learned counsel appearing for the petitioner.

3. It is seen that this petitioner faced prosecution in C.C.Nos.3704 and 4411 of 2011 before the learned III (Fast Track Court) Metropolitan Magistrate, Saidapet, for the offence under Section 138 of the Negotiable Instruments Act. It is further

seen that on 01.06.2016, the petitioner/accused was not present before the trial Court and he is said to have filed petitions under Section 311 Cr.P.C., for recalling the witnesses, and Section 317 Cr.P.C, for dispensing with the personal appearance before the trial Court. The trial Court has dismissed both the petitions and pronounced the judgment on 01.06.2016, convicting and sentencing the petitioner/accused for six months and with a fine of Rs.10,000/- .

4. The petitioner made copy applications praying for issuance of certified copies of the judgment in C.C.Nos.3704 and 4411 of 2011, which were rightly denied by the learned Magistrate, on the ground that the petitioner is an absconding person, and that he cannot be given the privilege of law.

5. Mr.C.D.Johnson, learned counsel appearing for the petitioner/accused submits that if the judgments are made available to the petitioner, he can file an appeal before the Sessions Court.

6. Under such circumstances, this Court directs the petitioner to surrender before the III (Fast Track Court) Metropolitan Magistrate Court, Saidapet, within a period of one week from the date of receipt of a copy of this order and on such surrender, the learned Magistrate is directed to furnish the copies of judgment to the petitioner/accused. The petitioner shall also file an application for suspension of sentence and bail, since the conviction is less than three years, which shall be considered on merits on the same day. The petitioner shall pay the fine amount and also compensation if any.

With the above directions, these Criminal Original Petitions are closed.

ds

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

TO

The IIIrd (Fast Track Court) Metropolitan Magistrate Court,
Saidapet, Chennai-15.

+ 2 ccs to Mr.E.C.Ramesh, Advocate Sr Nos.34245 & 34246

KR/22/6/16

CrI.O.P.No.12314 & 12315 of 2016