

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.16225 of 2016

and Crl.MP.No.7905 of 2016

J.Ravichandran ... Petitioner

Vs

The State rep by
Inspector of Police,
Modakurichi Police Station,
Erode District. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the order dated 23.06.2016 made in CMP.No.7341 of 2015 in CC.No.228 of 2015 on the file of the learned Judicial Magistrate No.III, Erode and set aside the same.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to set aside the order dated 23.06.2016 passed in CMP.No.7341 of 2015 in CC.No.228 of 2015 by the learned Judicial Magistrate No.III, Erode.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. On the complaint lodged by one Manivannan against this petitioner, the respondent Police have registered a case in Crime No.293 of 2015 on 28.09.2015 and after completing the investigation, filed a final report in CC.No.228 of 2015 before the learned Judicial Magistrate No.III, Erode against the petitioner herein for offences under Section 294[b], 353, 427 and 506[i] IPC.

4. The crux of the allegation in the final report is that, the petitioner went to the office of the de facto complainant to peruse the records under RTI Act and during the course of perusal, the petitioner has torn the records. When the same was questioned by the de facto complainant, the petitioner abused the de facto complainant, threatened him with dire consequences and prevented the de facto complainant from carrying on his work.

5. During the trial, charges were framed against the petitioner and he was questioned for which, he pleaded 'not guilty'. While so, the petitioner filed an application under Section 91 Cr.P.C. in CMP.No.7341 of 2015 in CC.No.228 of 2015 before the learned Judicial Magistrate No.III, Erode, calling for the Modakurichi Town Panchayat to produce various documents relating to the auditor statement for the year 2012-2013 and 2013-2014, records pertaining to Crime No.200 of 2014 on the file of the respondent Police and the letter correspondence between the petitioner and the Executive Officer, Modakurichi Panchayat seeking permission to inspect the document under RTI Act. The State filed a counter objecting to the plea of the petitioner and the trial Court, by order dated 23.06.2016, dismissed CMP.No.7341 of 2015 in CC.No.228 of 2015. Aggrieved by which, the petitioner/accused is before this Court.

6. Mr.Manokaran, learned counsel for the petitioner submitted that, the entire incident that is alleged to have been taken place is false and that, when the petitioner started questioning the Panchayat about the various illegal activities, the present case has been foisted on the petitioner. Learned counsel also submitted that the petitioner given a counter complaint against the Panchayat officials and on the orders of this Court, a case in Crime No.200 of 2014 has been registered against the contractor and other officials.

7. A short point that falls for consideration is, whether the documents that have been called for by the petitioner under Section 91 Cr.P.C would be in any way relevant for deciding the charge against the petitioner. The charge against the petitioner is that, he had abused the de facto complainant and had prevented him from performing his official duty. The petitioner is not facing a white collar offence, which may require the production of such documents. In a prosecution of this nature, it is for the prosecution to prove the case against the petitioner and if the prosecution evidence is not satisfactory, the petitioner will be automatically entitled to an acquittal.

8. In the considered opinion of this Court, the documents that are called for by the petitioner have no relevance in deciding the fact in issue. This Court does not find any serious infirmity or illegality in the order passed by the trial Court and accordingly, this petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.III,
Erode.

2.The Inspector of Police,
Modakurichi Police Station,
Erode District.

3.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.N.Manokaran, Advocate SR.44597

Cr1.OP.No.16225 of 2016

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srg 24/08/2016

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