

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.16226 of 2016

and Crl.MP.No.7906 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.1026 of 2016 in CC.No.79 of 2014 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.1026 of 2015 in CC.No.79 of 2014 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 Saravanan, the respondent Police have registered a case in Crime No.49 of 2014 on 21.03.2014 and after completing the investigation, filed a final report in CC.No.79 of 2014 before the learned Judicial Magistrate No.III, Erode against the petitioner herein for offences under Section 294[b], 341 and 506[ii] IPC.

4. The crux of the allegation in the final report is that, the employees of the Municipality were digging a drainage in the public pathway near the house of the petitioner from 28.02.2013 onwards and that, on 21.03.2014 around 9.00 in the morning, the petitioner came there and picked up quarrel with the contractor and the workers and prevented them from carrying on with their work. In the quarrel, it is alleged that the petitioner had abused the de facto complainant-Saravanan.

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.1026 of 2016 in CC.No.79 of 2014 before the learned Judicial Magistrate No.III, Erode, calling for the Modakurichi Town Panchayat to produce various documents relating to the tender between the Panchayat and the contractor. That apart, the petitioner also called for the auditor statement for the year 2013-2014 and records of the Tamil Nadu Panchayat NABARD Scheme. 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.1026 of 2016 in CC.No.79 of 2014. 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 on 21.03.2014 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 with the help of a contractor. Learned counsel also submitted that the petitioner has 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 his workers in a public place and had prevented them from working. 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

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.44596

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srg 24/08/2016

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