

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.22189 of 2016

and Crl.MP.No.10305 of 2016

S.Veerasamy .. Petitioner

Vs

1.State rep. by
The Sub Inspector of Police,
Katpadi Police Station,
Katpadi, Vellore District.

2.A.Sankar
3.Murugesan .. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crl.M.P.No.2077 of 2016 in C.C.No.384 of 2009 on the file of the Judicial Magistrate, Katpadi, Vellore District and to set aside the same.

For Petitioner : Mr.D.Rajagopal
For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in Crl.MP.No.2077 of 2016 in CC.No.384 of 2009 on the file of the Judicial Magistrate, Katpadi and to set aside the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. It is seen that the petitioner in this case is facing prosecution in C.C.No.384 of 2009 for the offences under Sections 417, 419, 420, 468, 471 r/w 120(b) IPC before the Judicial Magistrate, Katpadi. The prosecution have examined the witnesses and the accused were also examined under 313 Cr.P.C. At that juncture, the Investigating Officer filed Crl.MP.No.2077 of 2016 in CC.No.384 of 2009 under Section 91 Cr.P.C for a direction to the second accused to produce certain documents,

which was rightly dismissed by the trial Court on 29.08.2016, challenging which, the de facto complainant is before this Court.

4. It is trite that an accused cannot be directed to produce any incriminating materials in exercise of powers as under Section 91 Cr.P.C. The trial Court has relied upon the judgment of Constitution Bench of Hon'ble Supreme Court in State of Gujarat Vs. Shyamlal reported in AIR 1965 SC.1251 and has come to the correct conclusion.

5. This Court places on record its deep appreciation for the learning of the trial Judge and for dismissing the petition filed by the State by understanding the correct provision of law.

6. In the result, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To

1.The Judicial Magistrate,
Katpadi,
Vellore District.

2.-do- Thro The Chief Judicial Magistrate
Vellore

3.The Sub Inspector of Police,
Katpadi Police Station,
Katpadi, Vellore District.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.D.Rajagopal Advocate sr 58288

Cr1.OP.No.22189 of 2016

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