

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3808 of 2016

Alexander

.. Petitioner

Vs.

Inspector of Police
Central Crime Branch
St. Thomas Mount.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate, Alandur, Chennai, to issue a certified copy of the sale agreement executed between the petitioner and defacto complainant now pending in C.C.No.184 of 2012 on the file of the learned Judicial Magistrate, Alandur, Chennai.

For Petitioner :Mr.S.Palanirajan
For Respondents :Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the learned Judicial Magistrate, Alandur, Chennai, to issue a certified copy of the sale agreement executed between the petitioner and defacto complainant, which is now pending in C.C.No.184 of 2012.

2.Learned counsel for the petitioner submits that an unregistered sale agreement, which executed between the petitioner and defacto complainant, has been seized by the investigating agency during investigation in Crime No.71 of 2016. After investigation, charge sheet has been filed and the same was taken as C.C.No.184 of 2012 on the file of the learned Judicial Magistrate, Alandur, Chennai. But the trial Court returned the copy application filed by the petitioner stating that under what provision, the petitioner is entitled to the certified copy of the document, which is yet to be marked. So the petitioner has come forward with this petition for the above stated relief.

3.Heard both sides and perused the materials available on record.

4. Admittedly, on the basis of the complaint given by the petitioner, the case has been registered in Crime No.71 of 2016 for the offences under Sections 465, 467, 468 read with 471, 120B and 420 IPC. After due investigation, charge sheet has been filed and the same was taken as C.C.No.184 of 2012. Furthermore, the petitioner has also filed a suit in O.S.No.9036 of 2010 against the defacto complainant viz., Balasubramaniam for recovery of money paid as an advance for purchasing the property from him on the basis of the sale agreement. Since the case is posted for trial, the petitioner has sought for the document to be marked as exhibit before the trial Court. Therefore, the petitioner applied copy application to get the certified copy of the sale agreement. The alleged sale agreement has been executed between the petitioner and the said Balasubramaniam, who is the defendant in O.S.No.9036 of 2010. Since the document is yet to be marked, the petitioner is not entitled to get its certified copy. Therefore, I do not find any merits in this petition and the Criminal Original Petition is dismissed.

kj

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Alandur.
2. do thro the Chief Judicial Magistrate,
Chennai.
3. Inspector of Police
Central Crime Branch
St. Thomas Mount.
4. The Public Prosecutor
High Court, Chennai.

rsy(co)
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