

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25660 of 2017

Chandaran ... Petitioner/Accused

Vs.

Karvendhan ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Learned Fast Track Court (Magistrate Level), Thiruvallur to issue the certificate copy of the Judgment passed S.T.C.No.84 of 2016 dated 13.11.2017 on the file of the by accepting the copy application filed by the petitioner's counsel and render justice.

For Petitioner : Mr.T.Muruganantham

O R D E R

The prayer sought for in the present petition is to direct the Fast Track Court (Magistrate Level), Thiruvallur to issue the certificate copy of the Judgment passed in S.T.C.No.84 of 2016 dated 13.11.2017 by accepting the copy application, filed by the petitioner's counsel.

2. Heard both sides.

3. I do not find any justification in the remarks made by the Trial Court, refusing to entertain the petitioner's application seeking for certified copy of the Judgment in S.T.C.No.84 of 2016. Under Section 363 Cr.P.C., the petitioner/accused is entitled for copy of the Judgment. Likewise, under Section 353 (7) Cr.P.C., just because the petitioner/accused was absent at the time of pronouncing Judgment, the Judgment cannot be rendered as invalid. The petitioner has also a right of appeal against the Judgment. As such, the endorsement

made by the Trial court while returning the copy application is improper.

4. Hence, the Fast Track (Magistrate Level), Thiruvallur is directed to issue a certified copy of the Judgment in S.T.C.No.84 of 2016 dated 13.11.2017 to the petitioner's counsel by entertaining his copy application dated 13.11.2017. Such an exercise shall be done within the period of two days from the date of receipt of a copy of this order.

5.I am consciously refraining from ordering issuance of notice in the criminal case between the Trial Court and the petitioner herein.

With the above observation, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nmm

To

1.The learned Fast Track (Magistrate Level)
Thiruvallur.

2.The judicial Magistrate I,
Thiruvallure.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Muruganantham, Advocate, S.R.No.84617

Cr1.O.P.No.25660 of 2017

RSK (CO)

RRK (29/11/2017)