



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE **S.S.SUNDAR**

Crl.O.P.(MD).No.10304 of 2017

and

Crl.M.P(MD)Nos.7037 & 7038 of 2017

1.R.S.Infotainment Pvt.Ltd,  
Rep. by its Managing Director,  
S.Elred Kumar,  
No.5, Bagavantham Street,  
T.Nagar, Chennai-600 017.

2.S.Elred Kumar

3.R.Jayaraman ... Petitioners/Accused 1 to 3

Vs.

M/s. The Safire Offset Printers,  
a Partnership firm,  
Represented by it's Partner,  
M.Selvam, Age 49 years,  
S/o Madasamy Nadar,  
No.59, N.R.K.R.Road,  
Sivakasi,  
Virudhunagar District

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in C.A.No.201 of 2017 in C.C.No.113 of 2017 on the file of the learned Judicial Magistrate, Sivakasi and set aside the same and direct the leaned Magistrate to furnish the copies of the B Dairy within the stipulated period.

For Petitioners : Mr.K.P.S.Palanivelrajan

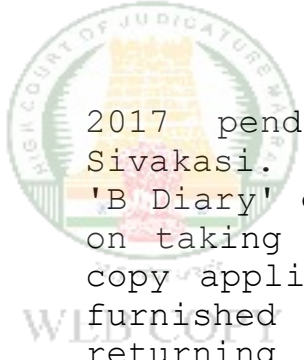
For Respondent : Mr.N.Dilip Kumar

### O R D E R

This petition is filed to issue appropriate direction to set aside the order passed by the learned Judicial Magistrate, Sivakasi in C.A.No.201 of 2017 in C.C.No.113 of 2017.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Petitioners are the accused No.1 to 3 in C.C.No.113 of



2017 pending on the file the learned Judicial Magistrate, Sivakasi. The petitioner filed a copy application seeking for the 'B Diary' extract so as to ascertain the order passed by the Court on taking cognizance. However, the Lower Court had returned the copy application with an endorsement that the same could not be furnished to the petitioner and aggrieved by the reasons for returning the copy application the petitioner has preferred the above petition.

3.The reason stated by the learned Judicial Magistrate, Sivakasi is that 'B' Diary extract is not a judicial order but it is only a Court record. The petitioner or any one of the party to the proceedings is entitled for the copy of the 'B Diary' extract and it is in practice to furnish such copy so as to enable any one of the party to ascertain the nature orders passed by the court in the proceedings. The learned counsel appearing for the respondent also has no serious objection for allowing this Petition.

4.Having regard to the circumstances, this Criminal Original petition is allowed and the order returning the copy application of the petitioner in C.A.No.201 of 2017 in C.C.No.113 of 2017 is set aside. The learned Judicial Magistrate, Sivakasi is directed to furnish the copy of the 'B' Diary Extract in C.C.No.113 of 2017 within a period of two weeks from the date of receipt of a copy of this order or upon representing the copy application. Consequently, connected Miscellaneous Petitions are closed. The registry is directed to return the original copy application to the counsel for the petitioner after getting acknowledgment.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To  
The Judicial Magistrate No.I,  
Sivakasi.

Copy to:  
The Secion Officer,ER Section,  
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.K.P.S.Palanivelrajan , Advocate in SR No. 79497  
+ 1 cc TO Mr.N.Dilip Kumar , Advocate in SR No. 79646

TA  
AE/SKN RSK/SAR3/11.10.2017/2P/5C