



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WEB COPY

Cr1.O.P.(MD).No.11093 of 2017

Loorthu Mary

... Petitioners

Vs.

1. Joseph Pradeep

2. Development Officer,
Assistant Director (Rural and Development)
(Audit) Officer,
Tuticorin.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned Judicial Magistrate No.II, Kovilpatti to take the Copy Application No.668 of 2017 in C.C.No.422 of 2016 dated 09.06.2017 on file and to pass appropriate order for issuing certified copies for the documents mentioned in the copy application.

For Petitioner	: Mr.G.Mariappan
For R1	: Mr.B.Arun
For R2	: Mr.K.Anbarasan
	Government Advocate (Criminal side)

O R D E R

This petition is filed to issue appropriate direction to the learned Judicial Magistrate No.II, Kovilpatti to take the copy application No.668 of 2017 on file in C.C.No.422 of 2016 dated 09.06.2017 and pass orders for issuing certified copy of the documents mentioned in the copy application.

2.The Petitioner is one of the accused in the Criminal case in C.C.No.422 of 2016 on the file of the learned Judicial Magistrate No.II, Kovilpatti. The first respondent / de-facto Complainant lodged a private complaint along with the Block Development Officer against the petitioner/ Accused No.2 and he has also filed certain documents. The petitioner has filed an application to furnish certified copies of the documents under Section 339 of Criminal Rules of Practice. The said application has not been considered and the petitioner was not given the certified copies of the documents. Hence, this present petition has been filed for a direction.



3.The learned counsel for the petitioner relied upon a judgment of this Court in the case of **Rev. Samuel D.Stephens and others Vs.Pator A.Samuel Ramasamy** reported in **2009 (1) MWN (Cr.) 298**. After considering Rule 339 of Criminal Rules of Practice and Section 363(5) of Cr.P.C., the learned Single Judge of this Court has considered similar issue and held that the accused is entitled to get certified copies of the complaint as well as the documents and allowed the petition.

4.Considering the above, the learned Judicial Magistrate is directed to consider the copy application filed by the petitioner and furnish the certified copies of the documents, which are mentioned in the copy application submitted by the petitioner if available in Court records.

5.This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Kovilpatti.

2. The Development Officer,
Assistant Director (Rural and Development)
(Audit) Officer,
Tuticorin.

+ 1 CC TO MR.B.Arun, ADVOCATE IN SR No.79969

+ 1 CC TO MR.G.Mariappan, ADVOCATE IN SR No.79569

TA

MK/JC/SAR-2/27.09.2017/2P/5C

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