



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP(MD)No.14887 of 2017

and

CRL MP(MD)No.9919 of 2017

K.Mareeswaran

: Petitioner/Petitioner

Vs.

The Inspector of Police,
Kalligudi Police Station,
Virudhunagar District.
(In Crime No.144/2014)

: Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to set aside the order of the learned Judicial Magistrate, Thirumangalam, Madurai, in Cr.M.P.No.5355 of 2017 in C.C.No.17 of 2017 dated 18.09.2017 and direct to learned Judicial Magistrate, Thirumangalam to call for the records pertaining to the documents mentioned in the petition filed in Cr.M.P.No.5355 of 2017 in C.C.No.12 of 2017, by the petitioner and record the evidence.

For Petitioner

: Mr.M.Gururaj

For Respondent

: Mr.K.S.Durai Pandian,
Additional Public Prosecutor.

O R D E R

The petitioner took out an application under Section 91 of the Criminal Procedure Code for production of certain documents. The said petition was dismissed by the learned Judicial Magistrate, Thirumangalam, on the ground that he has earlier taken out an application for the same relief and that was allowed and therefore, he cannot be permitted to file one more petition.



2.The learned counsel appearing for the petitioner would submit that he was under the erroneous impression that the documents summoned by him earlier would contain all the relevant details. Only when they were summoned and marked, he realized that the said documents did not contain the relevant particulars. Therefore in order to sustain his defence and to prove his innocence, the document sought for now is absolutely imperative.

3. I am therefore of the view that this petition can be allowed to secure the ends of justice. The order dated 18.09.2017 in Cr.M.P.No.5355 of 2017 in C.C.No.17 of 2017 on the file of the learned Judicial Magistrate (FAC), Thirumangalam, Madurai is set aside.

4.The Criminal Original Petition is allowed, accordingly. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (P & A)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate (FAC),
Thirumangalam, Madurai.
 2. - Do - thro' The Chief Judicial Magistrate, Madurai.
 3. The Inspector of Police,
Kalligudi Police Station,
Virudhunagar District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to M/S.M.GURURAJ, Advocate SR.No.85268.

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