

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2379 of 2018 &
Crl.M.P.No.953 of 2018

Dr.N.Gunaseelan

... Petitioner

Vs.

B.Vasudevan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the impugned order dated 09.01.2018 in Crl.M.P.No.6165 of 2017 in C.C.No.144 of 2016 passed by the learned Judicial Magistrate at Alandhur and set aside the order.

For Petitioner : Mr.Hari Radhakrishnan

For Respondent : No Appearance

ORDER

The petitioner's request to mark three documents under Section 91 of Cr.P.C. came to be rejected by the learned Judicial Magistrate, Alandhur, by its order dated 09.01.2018 made in Crl.M.P.No.6165 of 2017 in C.C.No.144 of 2016, against which, the present criminal original petition has been filed.

2.One of the reasons given by the trial court while rejecting the petitioner's request is that the application has been made at a belated stage.

3.The documents which the petitioner intends to mark the original complaint dated 27.01.2015, the summons dated 30.01.2015 issued by the Inspector of Police, J-8, Neelangarai Police Station, and closure report dated 07.02.2015. On the perusal of the averments made in the complaint, it is seen that these three documents are relevant for the purpose of proceeding the case and as such, the trial court was not right in rejecting the petitioner's request.

4. In my view, the petitioner should have been given an opportunity to mark these three documents. In the result, the order dated 09.01.2018 passed in Crl.M.P.No.6165 of 2017 in

C.C.No.144 of 2016 on the file of the learned Judicial magistrate, Alandhur is set aside. Consequently, the petitioner is permitted to mark the following documents:

(a). The original Complaint dated 27.01.2015 lodged by the respondent police herein before the Inspector of Police, J8, neelangarai Police Station, Chennai.

(b). Summons dated 30.01.2015 issued by the Inspector of Police, J-8, Neelangarai Police Station, Chennai in CSR No.118 of 2015 to the petitioner herein pertaining to the complaint dated 27.01.2015 lodged by the B.Vasudevan.

(c). The closure report dated 07.02.2015 by J8, neelangarai Police Station, Chennai, pertaining to the complaint lodged on 27.01.2015, by the respondent/accused registered in CSR No.118/2015.

5. The petitioner is directed to make a fresh application under Section 91 of the Code of Criminal Procedure, seeking for a direction to mark these documents and on receipt of such an application, the trial court shall positively consider the same and pass appropriate orders on the same day.

6. With the above observation, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Alandhur

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Hari Radhakrishnan, Advocate SR.No.11986

Cr1.O.P.No.2379 of 2018

GN(20/02/2018)