

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2555 of 2018
and
Crl.M.P.No.2180 of 2018

G.Murugan ... Petitioner

Vs

A.Mani
Proprietor of Tamilnadu Chemical Industry,
No.217, ThambuChetty Street,
2nd Floor, Chennai 600 001. ... Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 20.11.2017 passed in Crl.M.P.No.7343/2017 in C.C.No.2977/2011 passed by the learned Metropolitan Magistrate Fast Track IV Court, Gorge Town Chennai 01.

For Petitioner : Mr.K.Mukund Rao

For Respondent : Mr.C.Rajan

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 20.11.2017 passed in Crl.M.P.No.7343/2017 in C.C.No.2977/2011 passed by the learned Metropolitan Magistrate Fast Track IV Court, Gorge Town Chennai 01.

2. On an earlier occasion, the petitioner filed a petition under Section 91 of Criminal Procedure Code, seeking for certain documents which came to be rejected by an order dated 20.01.2017 in Crl.M.P.No.5470/2016. On a perusal of the said order, It is seen that the Trial Court has given its reason for rejection. Admittedly, the petitioner has not challenged the reasoning given by the Trial Court.

3. The present impugned order has been passed in the petition under Section 91 of the Criminal Procedure Code, which

came to be filed after the earlier order dated 20.01.2017, seeking for the same documents. Since the Trial Court had already considered the same and given its reasons for not permitting the petitioner to produce the documents, it would not be appropriate to entertain another application seeking for production of documents. Incidentally, the present impugned order also make reference to the earlier order of rejection passed in the application made under Section 91 of the Cr.P.C.

4. Apart from these aspects, I do not find any infirmity in the order on the justification of the Court that the document sought for by the petitioner herein may not be required for proper adjudication of the case.

5. In view of the fact that the powers under Section 91 of the Cr.P.C. are discretionary, I do not find any infirmity in the said order.

6. With this above observations, this Criminal Original Petition stands dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

dna

To

1. The Metropolitan Magistrate,
Fast Track Court IV,
George Town,
Chennai.

+1cc to Mr.K.Mukund Rao, Advocate, S.R.No.16608

+2cc to Mr.C.Rajan, Advocate, S.R.No.16163

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and

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RRK(20/03/2018)

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