

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.1691 of 2018

and

Crl.MP.No.642 of 2018

E.Pakkirisamy ...Petitioner/Complainant

vs.

1. M.Jayanthi

2. Mohonakrishnan ...Respondents/Accused

Criminal Original Petition filed under Section 482, Cr.P.C. to set aside the order passed by the Metropolitan Magistrate Court No.V, Egmore, in Crl.MP.No.346 of 2017 in C.C.No.1683/2011 dated 20.11.2017 and allow Crl.MP.No.346 of 2017.

For petitioner : Mr.A.T.Jayaraman

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 20.11.2017 passed by the Metropolitan Magistrate Court No.V, Egmore, Chennai, in Crl.MP.No.346 of 2017 in C.C.No.1683/2011.

2. For the sake of convenience, the parties will be referred to as the complainant and the accused respectively.

3. The complainant has initiated prosecution in C.C.No.1683 of 2011 ***under Section 420, 468 and 471 IPC** and the same is pending on the file of the Metropolitan Magistrate No.V, Egmore, Chennai. While so, the complainant filed Crl.MP.No.346 of 2017 in C.C.No.1683 of 2011 under Section 91 Cr.P.C., seeking a direction to the accused to produce the sale deed dated 17.11.2005, registered as Document No.4154 of 2005. By order dated 20.11.2017, the Metropolitan Magistrate No.V, Egmore, Chennai has dismissed Crl.MP.No.346 of 2017 in C.C.No.1683 of 2011, challenging which, the complainant is before this Court.

4. It is a trite law that an accused cannot be compelled to produce a document under Section 91 Cr.P.C., in view of the judgement of the Supreme Court in State of Gujarat Vs. Shyamlal Mohanlal Choksi (1965 M.L.J. (Crl.) 417).

5. In such view of the matter, this Court does not find any infirmity in the order passed by the trial Court. In the result, this petition is dismissed as being devoid of merits. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

dt.19.6.2018

*Corrected as per order dt.26.7.2018

in CrI.OP.No.1691/2018

Sd/-

Assistant Registrar(VI)

dt.3.8.2018

//True Copy//

Sub Assistant Registrar

mk

To

The Metropolitan Magistrate Court No.V,
Egmore, Chennai.

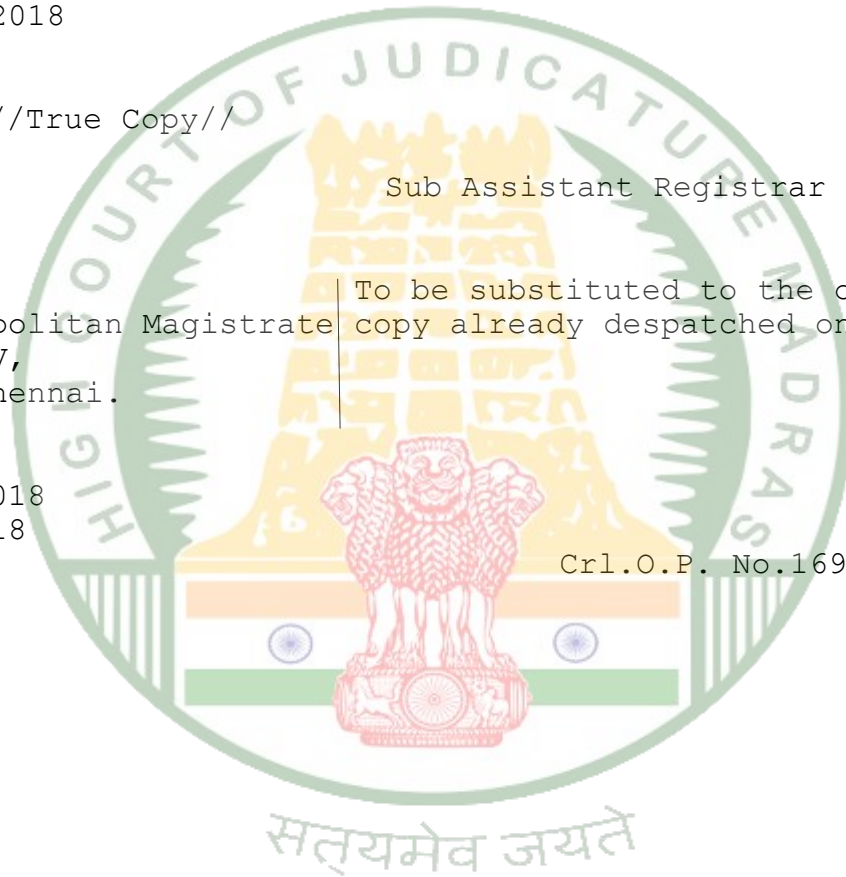
To be substituted to the order
copy already despatched on 27/6/18

SVN(CO)

sm:19.6.2018

sm:6.8.2018

CrI.O.P. No.1691 of 2018



WEB COPY