

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.30212 of 2018

and

Cr1.M.P.No.17751 of 2018

Ramachandran

... Petitioner

vs.

The State of Tamilnadu,
Rep by Inspector of Police,
Vikravandi Police Station,
Villupuram District.
(Cr.No.390 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the summons dated 25.10.2018 issued to the petitioner by the learned Judicial Magistrate No.2, Villupuram in Cr.No.390 of 2013, quash the same.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the summon issued by the learned Judicial Magistrate, No.II, Villupuram calling upon the petitioner for thumb impression and the sample signature for the purpose of sending it for comparison.

2. This order has been passed in exercise of the power under Section 311-A of the code of Cr.P.C., which has been brought in to the code with a effect from 22.06.2006.

3. The learned counsel for the petitioner would submit that the learned Magistrate before issuing the summon should satisfy himself that it is necessary for the purpose of investigation to get the specimen signature or the thumb impression of the accused person.

4. In the considered view of the Court, the Magistrate has to take a decision based on the materials placed before him and if he thinks that it is essential and necessary for the purpose of investigation, a summon can be issued to the accused person.

5. This Court does not find any illegality or infirmity in the summon issued by the learned Magistrate and as a sequel, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

dss

To

1. The Judicial Magistrate No.2,
Villupuram.
2. The Inspector of Police,
Vikravandi Police Station,
Villupuram District.
3. The Public Prosecutor,
Madras High Court, Chennai.

Crl.O.P.No.30212 of 2018

MP(CO)
SSM(24/01/2019)

सत्यमेव जयते

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