



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.1581 of 2016

and

CRL.M.P.(MD)No.835 of 2016

S.Nagarajan

... Petitioner/Petitioner

-Vs-

1.Ravichandran
2.Beer Mohamed
3.Selvam
4.Senthil
5.Chandrapaul
6.Shahul Hameed

... Respondents 1 to 6/Accused 1 to 6

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to pass an order setting aside the order of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, dated 29.12.2015 made in C.M.P.No.5870 of 2015 in C.C.No.224 of 2012 and consequently direct the summon to be issued to the information officer (Right to Information Act 2005), Superintendent of Police, Kanyakumari District forthwith.

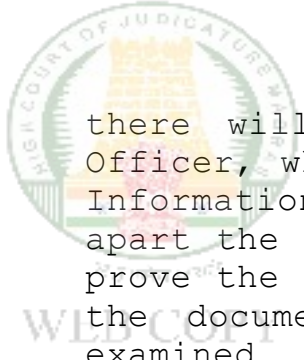
For Petitioner : Mr.S.Palanivelayutham

ORDER

This petition has been filed challenging the order passed by the learned Judicial Magistrate No.II, Nagercoil, dismissing the application filed for summoning certain witnesses.

2.It is seen from the records that it is a private complaint, wherein, the petitioner had examined 7 witnesses and Exhibits P1 to P9 have already been marked. Ex.P9 is a public document which was received under the Right to Information Act and the same was also received in evidence and recorded by the Court on 01.10.2015. The said document pertains to the report given regarding the whereabouts of the petitioner on the date of occurrence on 09.03.2017. The petitioner had filed this petition in order to examine the Additional Superintendent of Police who was the Public Information Officer who gave information under the Right to Information Act.

3.The Court below in its order had stated that the case was at the stage of final hearing and Ex.P9 was taken in evidence by the Court on 01.10.2015 and none of the accused persons had any objection in marking this document. Under such circumstances



there will be no necessity for the petitioner to examine the Officer, who had sent this document in his capacity as the Public Information Officer, under the Right to Information Act. That apart the Court below has also recorded the fact that in order to prove the contents of the said document, the person who had sent the document under the Right to Information Act need not be examined. For the said reason the Court below has dismissed the application filed by the petitioner.

4.This Court does not find any illegality or infirmity in the order passed by the Court below. There is no ground to interfere with the order passed by the Court below. This Court by ordering notice in this case had made it clear by its order, dated 29.01.2016, that Trial Court can proceed with the case in C.C.No.224 of 2012.

5.The Criminal Original Petition is dismissed. The trial Court is directed to complete the proceedings in C.C.No.224 of 2012 within a period of one month from the date of receipt of the copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate No.II, Nagercoil.

+1cc to Mr.S.Palanivelayutham, Advocate Sr.No.81592

TM

VB/SKN/SAR3/24.09.2018/2P/3C

CRL.O.P. (MD) No.1581 of 2016
30.08.2018