



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

CrI.O.P. (MD) No.12212 of 2018

Nageswaran

... Petitioner

Vs.

The Sub Inspector of Police,
Ramji Nagar Police Station,
Trichy District.
(in Crime No.42 of 2017)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the docket order of return passed in C.A.No.275 of 2018 dated 19.06.2018 on the file of the learned Judicial Magistrate No.III, Trichy and set aside the same as illegal.

For Petitioner	: Mr.Vishnuvarthanan, for Mr.K.Sivabalan
For Respondent	: Mr.K.K.Ramakrishnan, Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed, to call for the records pertaining to the docket order of return passed in C.A.No.275 of 2018 dated 19.06.2018 on the file of the learned Judicial Magistrate No.III, Trichy and set aside the same as illegal.

2.According to the petitioner, he is the injured person in the accident took place on 25.03.2017. Therefore, he made a copy application in C.A.No.275 of 2018 before the learned Judicial Magistrate No.III, Trichy under Section 339 Cr.P.C., seeking the certified copies of the First Information Report, Postmortem Certificate, Wound Certificate, Charge Sheet, Rough Sketch, MVI Reports. But the same was returned on the ground that the accused in C.C.No.108 of 2017 was not appeared before the concerned Court. Therefore, the petitioner's copy application cannot be entertained.

3.The learned Additional Public Prosecutor appearing for the respondent would submit that in the light of the decision rendered in the case of **Cholamandalam MS General Insurance Company Limited, Chennai Vs. The Inspector of Police, Cuddalore and others**



reported in **CDJ 2017 MHC 5886**, the petitioner is entitled to get these documents before the respondent police.

4. In the above circumstances, this Court comes to the conclusion that there is no infirmity or illegality in the order dated 19.06.2018 passed by the learned Judicial Magistrate No.III, Trichy. Hence, this Criminal Original Petition is dismissed, with the above observation.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-)

To

1. The Judicial Magistrate No.III,
Trichy.
2. The Sub Inspector of Police,
Ramji Nagar Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MYR
TE/RP/SAR-3 : 31/07/2018 : 2P/4C

Cr1.O.P. (MD) No.12212 of 2018
18.07.2018