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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.29545 of 2013

Pauldanasekaran

... Petitioner

Versus

The Sub Inspector of Police,
Annadhanapatty Police Station,
Salem.

Crime No.1605 of 2011

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.IV, Salem to issue the certify copy of the Judgment dated 26.06.2013 made in S.T.C.No.1161 of 2011 to the petitioner/accused at the earliest.

For Petitioner : No Appearance

For Respondent : M/s.S.Thankira
Government Advocate [Crl.Side]

ORDER

This Criminal Original Petition has been filed seeking for direction to issue the certified copy of the Judgment dated 26.06.2013 in S.T.C.No.1161 of 2011 on the file of the Judicial Magistrate Court No.IV, Salem to the petitioner.

2.No representation for the petitioner either in person or by his counsel.

3.The petitioner was convicted by the learned Judicial Magistrate No.IV, Salem in S.T.C.No.1161 of 2011 on 26.06.2013. At the time of passing of the Judgment, the petitioner did not appear before the Court below. Hence, the learned Magistrate issued Non Bailable Warrant



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for non appearance of the petitioner and the same is pending for execution. In the mean while the petitioner had applied for the certified copy of the Judgment in S.T.C.No.1161 of 2011 on 17.10.2013, for preferring an appeal against the conviction. But the learned Judicial Magistrate had returned the copy application stating that the certified copy of the Judgment cannot be issued, since an NBW has been pending. Hence, this petition.

4.Taking into consideration that on the ground of pendency of the NBW, the learned Judicial Magistrate No.IV, Salem had returned the copy application, which is not correct. In view of the above, the petitioner is entitled for getting a certified copy of the Judgment by filing a fresh copy application.

5.In view of the same, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.IV,
Salem.

2.The Sub Inspector of Police,
Annadhanapatty Police Station,
Salem.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Panner selvam , Advocate SR.No. 64559

CRL.O.P.No.29545 of 2013

A.SK(06/09/2019)