

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.672 of 2019

S.Alexander @ Ponmadan,
S/o.Subramaniam,
No.155/21, N.S.C. Bose Street,
Kumaran Nagar, Padi,
Chennai - 600 050.

Petitioner

Vs.

State represented by
The Inspector of Police,
CCB, Veppery,
Chennai.

Respondent

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the order dated 25.11.2016 passed in
Crl.M.P.No.5835 of 2016 on the file of the Judicial Magistrate
Court, Alandur, Chennai.

For Petitioner : Mr.C.Prakasam

For Respondent : Mrs.P.Kritika Kamal
Government Advocate
(Crl. Side)

O R D E R

This petition has been filed by S.Alexander @ Ponmadan, who
is A6 in C.C.No.184 of 2012 (CCB Crime No.71 of 2006) pending on
the file of the Judicial Magistrate Court, Alandur, for return
of (i) the original sale agreement between S.Alexander and
Balasubramaniam dated 04.04.2006 and (ii) the original sale
agreement between S.Alexander and Chandrakala dated 04.04.2006.

2. Earlier, the petitioner filed CrI.M.P.No.5835 of 2016 under Section 451 Cr.P.C. for interim custody of the aforesaid documents which was dismissed by the Judicial Magistrate, Alandur, on 25.11.2016.

3. Challenging the said order, this revision petition has been filed with a delay of 857 days. This Court condoned the delay of 857 days in CrI.M.P.No.8811 of 2019 on 05.07.2019.

4. Heard Mr.C.Prakasam, learned counsel for the petitioner/A6 and Mrs.P.Kritika Kamal, learned Government Advocate (CrI.Side) for the respondent/State.

5. The learned counsel for the petitioner submitted that the said two documents are required for him to take appropriate civil action against Balasubramaniam, de facto complainant, in the case.

6. Per contra, the learned Government Advocate (CrI. Side), submitted that the trial is still pending and at this juncture, if the documents are returned, it will cause undue prejudice to the case of the prosecution.

7. This Court gave its anxious consideration to the rival submissions.

8. Neither the petitioner nor the Public Prosecutor is able to tell this Court, whether, the originals of those two documents are indeed available and if so, whether they are in the custody of the Court or have been given to the police. Sometimes, the original documents will be returned by the Court to the Police for safe custody and the police will be required to produce the same at the time of marking.

9. Therefore, this Court directs the Judicial Magistrate, Alandur, to find out if the originals of those two documents referred to above are available in the records of the Court. If they are not available in the Court records and are available with the police, the police may be directed to produce the same. Thereafter, the petitioner shall file a petition for getting certified copy of those two documents and on such petition being filed, the Judicial Magistrate, Alandur, shall furnish the certified copies of the documents to the petitioner, with which, the petitioner can initiate appropriate action against Balasubramaniam, if so advised.

With the above observations, this petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate,
Alandur.
- 2.do The Chief Judicial Magistrate,
Alandur.
3. The Inspector of Police,
CCB, Veppery,
Chennai.
- 4.The Government Advocate(Criminal Side),
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate sr.60283

CrI.R.C.No.672 of 2019

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