

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.27844 of 2018 and
Crl.M.P.No.16146 of 2018

A.Vimal Menon

... Petitioner

Vs.

1.The Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur, Chennai-600 069

2.Sundar

3.Krishnan

4.Baranimega

5.Ramalingam

6.Sekar

7.Sumathi

8.Manickam

9.Mahesh Kumar

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records culminating in the order dated 08.11.2018 passed by the learned District Sessions Judge, District Court-II, Kanchipuram, dismissing CMP.No.3715 of 2018 in S.C.No.41 of 2016, and set aside the same and allow CMP.No.3715 of 2018 in S.C.No.41 of 2016 as prayed for by issuing summons to produce the additional documents sought therein under Sec.91 of Cr.P.C., 1973.

For Petitioner : Mr.B.Harikrishnan

For RR1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For RR2 to 9 : Mr.A.M.Rahamathi Ali

ORDER

This petition has been filed to call for the records culminating in the order dated 08.11.2018 passed by the learned District Sessions Judge, District Court-II, Kanchipuram, dismissing CMP.No.3715 of 2018 in S.C.No.41 of 2016, and set aside the same and allow CMP.No.3715 of 2018 in S.C.No.41 of 2016 as prayed for by issuing summons to produce the additional documents sought therein under Sec.91 of Cr.P.C., 1973.

2. The learned counsel for the petitioner would submit that the petitioner is the defacto complainant and he filed a petition in C.M.P.No.3715 of 2015 in S.C.No.41 of 2016 under Section 91 of Cr.P.C. for production of certain documents, but the learned District Judge, District Court No.II, Kancheepuram has dismissed the said petition stating that the defacto complainant has no right to file such type of petition. He further submits that the documents sought for by the petitioner are very much essential as such the trial court ought not to have dismissed the said petition. Hence, he has filed this criminal original petition.

3. The learned Additional Public Prosecutor would submit that the documents except three of them sought for by the petitioners are only orders passed in respective suits, writ petitions and criminal O.P's as such the petitioner can very well obtain the same by filing appropriate petition. Hence, he sought for dismissal of this petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

5. It is seen that except the following three documents sought for by the petitioner in the petition filed under Section 91 Cr.P.C. are only orders passed in respective suits, writ petitions and criminal O.P.'s. Therefore, these documents are only public documents and it cannot be disputed by the accused persons.

6. Considering the above facts and circumstances of the case, the orders passed by the court below in C.M.P.No.3715 of 2018 is set aside insofar as the following three documents. The petitioner is also at liberty to produce the remaining documents before the trial Court during trial.

S.No	Date	Description of Documents	Nature of Document	From the possession of
1	18.08.2006	Enquiry proceedings of CSR No. 172/T14PS/06 registered against A-5 at Mangadu P.S.	Original	Inspector of Police, T-14, Mangadu Police Station
2	25.05.2009	Enquiry proceedings of Criminal Complaint given by PW-2 against A-2 at Mangadu P.S.	Original	
3	23.05.2012	Enquiry proceedings of CSR No. 284/T13PS/2012 registered against A-3 and A-4 at Kundrathur P.S.	Original	Inspector of Police, T-13, Kundrathur Police Station

7. Accordingly, the first respondent is directed to produce the above documents before the trial court. Further considering the case is of the year 2016, the trial court is directed to complete the trial in S.C.No.41 of 2016 within a period of three months from the date of receipt of a copy of this Order.

8. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS iv)

//True Copy//

Sub Assistant Registrar

pds/lok

To

1.The Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur, Chennai-600 069

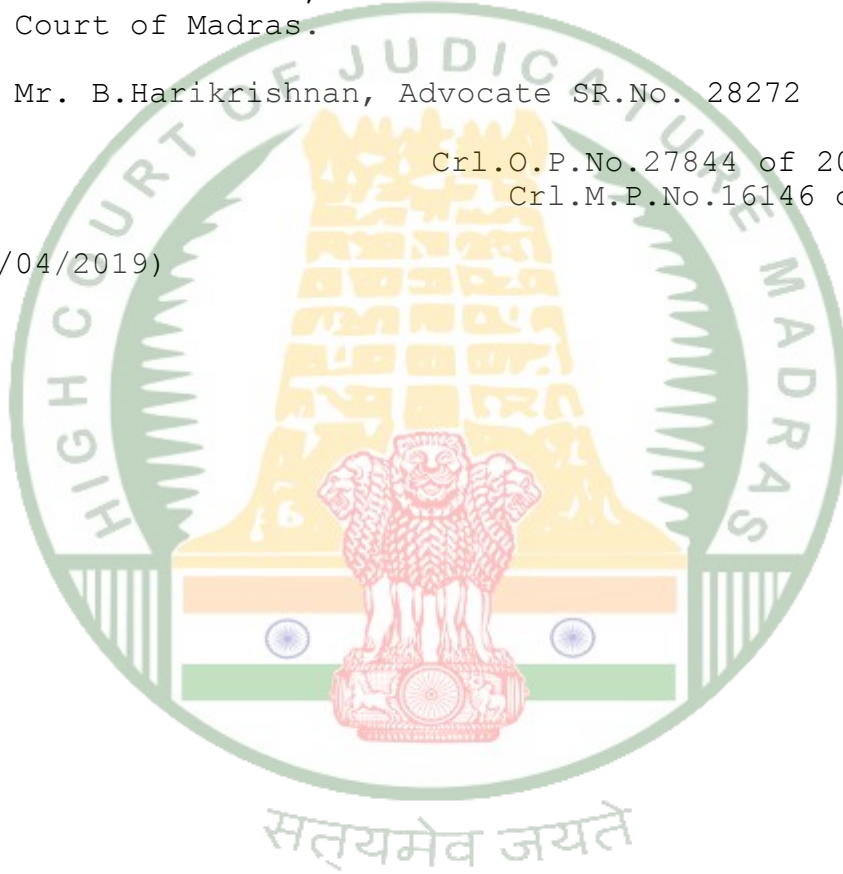
2. The District Sessions Judge,
District Court-II, Kanchipuram,

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr. B.Harikrishnan, Advocate SR.No. 28272

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A.SK(05/04/2019)



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