



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.13010 of 2019

and

Crl.M.P(MD) No. 8003 of 2019

Johnpaul @ J.J.Mannan

... Petitioner/Sole Accused

Vs.

State rep. by its
The Inspector of Police
District Crime Branch
Tuticorin District
(Crime No.22/2008)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate No.III, Tuticorin to number the petition submitted under section 91 of Cr.PC. filed by the petitioner and consequently pass order on merits within stipulated time

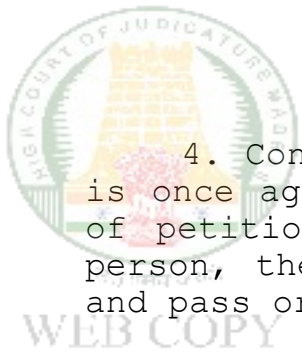
For Petitioner	:	Mr.M.Subash Banu
For Respondent	:	Mr.K.Suyambulinga Bharathi Government Advocate(Crl.Side)

ORDER

This petition has been filed seeking direction to direct the learned Judicial Magistrate No.III, Tuticorin to number the petition submitted under section 91 of Cr.PC. filed by the petitioner.

2. The learned counsel for the petitioner would submit that the petitioner is an accused for the offences under Sections 465,468,471 and 472 of IPC. He filed application for production of some documents under Section 91 of Cr.P.C in the form of affidavit and petition and the same has been returned for want of presence of petitioner/accused. He further submitted that no provision contemplated under the code of Criminal Procedure that appearance of the accused person is necessary to file the petition. Therefore the learned Magistrate without considering the said aspect simply returned for want of presence of the accused persons.

3. It is seen that the petitioner is a sole accused in C.C. No. 583 of 2017 having been taken cognizance for offences under Sections 465,468,471 and 472 of IPC. He filed petition under Section 91 of Cr.P.C for production of some documents with affidavit without presence of petitioner/accused person. Therefore the learned Magistrate returned the petition for appearance of the accused.



4. Considering the above facts and circumstances the petitioner is once again directed to represent the petition in the presence of petitioner/accused and on receipt of the said application in person, the learned Magistrate shall take the petition on file and pass order on merits and inaccordance with law.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.III, Thoothukudi

2.The Inspector of Police
District Crime Branch
Tuticorin District

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.M.SUBASH BABU, Advocate (SR-87685[F] dated 19/09/2019)

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AAV

MK (30.09.2019) 2P 5C