



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2020

Coram:

The Honourable Mr. Justice P.RAJAMANICKAM

Crl.O.P.No.910 of 2020

P.Sundar ... Petitioner

Vs

M.Muruganandam ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to direct the learned Fast Track Court Magisterial Level No.II, Poonamallee to issue the certified copy of the judgment dated 03.12.2018 in S.T.C.No.67 of 2017.

For Petitioner : Mr.R.Ganesh Kumar

ORDER

This petition has been filed by the accused to direct the Fast Track Court Magisterial Level No.II, Poonamallee to issue a certified copy of the judgment dated 03.12.2018 in S.T.C.No.67 of 2017.

2. The learned counsel for the petitioner has submitted that based on the private complaint filed by the respondent herein, the learned Fast Track Court Magisterial Level No.II, Poonamallee has taken the case on file in S.T.C.No.67 of 2017 and after full trial, posted the matter for judgment on 03.12.2018 and on that date, the petitioner did not appear, however, the learned Fast Track Court Magisterial Level No.II, Poonamallee convicted the petitioner/accused under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for 24 months and also directed the petitioner to pay a compensation of Rs.19,87,500/-, in default, he shall undergo six months simple imprisonment. He further submitted that the petitioner is having good case and hence, he filed copy application through his counsel for getting certified copy of the judgment for filing an appeal, but, the learned Judicial Magistrate has returned the said copy



application by the order dated 27.11.2019 stating reason that since Non-Bailable warrant has been pending against the petitioner, copy cannot be granted. He further submitted that merely because Non-Bailable Warrant is pending, there is no bar for granting certified copy of the judgment and hence he requests to direct the learned Judicial Magistrate to grant certified copy of the judgment.

3.The learned counsel for the petitioner, in support of his contentions relied upon the decision of this Court in Pauldanasekaran Vs. The Sub Inspector of Police, Annadhanapatty Police Station, Salem (Crl.OP.No.29545 of 2013) dated 24.07.2019.

4. In Pauldanasekaran Vs. The Sub Inspector of Police, Annadhanapatty Police Station, Salem (cited supra), this Court has directed the concerned Magistrate to entertain the copy application and issue certified copy of the judgment.

5. This Court is of the view that mere pendency of the Non-Bailable warrant cannot be a ground to refuse to give certified copy of the judgment to the accused. Hence, this Court is inclined to allow this petition.

6. In the result, this Criminal Original Petition is allowed. The petitioner is directed to re-present the copy application within a week from the date of receipt of a copy of this order and on such re-presentation, the learned Fast Track Court Magisterial Level No.II, Poonamallee is directed to entertain the said application and issue certified copies of the judgment and other documents which are mentioned in the said copy application on payment of charges.

7. With the aforesaid directions, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Vv



To

1. The Fast Track Court Magisterial Level No.II,
Poonamallee.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.Ganesh Kumar Advocate sr 3683

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