

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2020

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.NO.2701 OF 2020

Dr.G.Guru

... Petitioner

Vs.

Arumugam

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the docket order dated 07.01.2020 made in copy application by the learned Judicial Magistrate No.1 and consequently direct the learned Judicial Magistrate No.1, Namakkal to furnish copy of the judgment made in CC.No.356 of 2017 dated 26.12.2019.

For Petitioner : Mr.P.Nagaraju

O R D E R

This petition has been filed to set aside the docket order passed by the Judicial Magistrate No.1, Namakkal in the copy application dated 07.01.2020.

2. The learned counsel for the petitioner has submitted that the petitioner was facing trial for the alleged offence under Section 138 of the Negotiable Instruments Act in C.C.No.356 of 2017 on the file of the Judicial Magistrate No.1, Namakkal. He further submitted that the aforesaid case was posted on 26.12.2019 for judgment, but, on that date, he received summons from the Director of TamilNadu Agricultural University, Coimbatore, directing him to appear before the Committee regarding departmental enquiry on 26.12.2019 at Coimbatore and hence, the petitioner could not appear before the trial court. He further submitted that the petition under Section 317 was filed before the trial court to condone the petitioner's absence, but, the learned Judicial Magistrate No.1 has dismissed the said petition and pronounced judgment and thereby convicted the petitioner and also issued a Non Bailable Warrant. He further submitted that subsequently on 07.01.2020,

the petitioner has filed a copy application through his Advocate seeking certified copy of the judgment, but, the learned Judicial Magistrate No.1 has returned the said copy application stating that Non Bailable Warrant is pending against the petitioner and hence he is not entitled to get copy from the court. He further submitted that pendency of the Non Bailable Warrant is not a bar for getting certified copy of the judgment through counsel and therefore he requests to direct the concerned Magistrate to entertain the copy application and grant certified copy of the judgment.

3. Admittedly, the petitioner not appeared before the trial court on 26.12.2019 when the case posted for judgment. The trial court has pronounced judgment by convicting the petitioner and also issued Non Bailable Warrant. The petitioner has not asked any free copy of the judgment. On the contrary, he filed copy application through his counsel seeking certified copies. This Court is of the view that, there is no bar for granting certified copies of the judgment and other documents mentioned in the copy application.

4. For the aforesaid reasons, the returned order passed by the Judicial Magistrate No.I, Namakkal dated 07.01.2020 in the copy application is set aside. The petitioner is directed to re-present the said copy application within a week from the date of receipt of a copy of this order. On such re-presentation, the learned Judicial Magistrate No.1 has to grant certified copies of the documents which are mentioned in the said copy application.

5. With the aforesaid directions, this criminal original petition is allowed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Vv

To

1. The Judicial Magistrate No.1,
Namakkal.
2. Do Through The Chief Judicial Magistrate,
Namakkal.

3. The Public Prosecutor,
Madras High Court,
Chennai.

+lcc to Mr.P.Nagaraju, Advocate, S.R.No.9761

CRL.O.P.No.2701 of 2020

MG (CO)
CS/20/02/2020



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