

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.4677 of 2020

R.Santhosam

... Petitioner

Vs.

N.S.Ravikumar
Respondent

...

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the docket order of certified copy application in C.A.No.44 of 2020 in C.C.No.93/2017, dated 24.01.2020, on the file of the Judicial Magistrate -I, Namakkal and to allow the petitioner to obtain certified copies of judgement and deposition to enable the petitioner to prefer the Criminal appeal against the order passed in C.C.No.93 of 2017, on the file of the learned Judicial Magistrate-I, Namakkal.

For Petitioner :Mr.C.Balasubramaniam

O R D E R

This petition has been filed by the accused to set aside the order passed by the Judicial Magistrate-I, Namakkal in copy application No.44 of 2020 in C.C.No.93 of 2017 dated 24.01.2020.

2. The learned counsel for the petitioner has submitted that based on the complaint filed by the respondent, the petitioner was tried for the alleged offence under Section 138 of the Negotiable Instruments Act and convicted by the trial court on 23.01.2019 awarding a sentence of one year simple imprisonment. He further submitted that since on 23.01.2019, the petitioner was attending her mother-in-laws death ceremony, she could not appear before the trial court on the date of judgment (23.01.2019). He further submitted that subsequently on 24.01.2019 the petitioner filed an application through her counsel seeking certified copy of the said judgment and depositions, but the trial court has returned the said copy application by saying that since Non-bailable warrant is

pending, she is not entitled to get copy for the judgment. He further submitted that the petitioner wants to file appeal against the judgment passed by the trial court and therefore a copy of the judgment and depositions of the witnesses are absolutely necessary and hence he requests to direct the trial court to entertain the copy application and grant certified copies of the judgment and depositions of the witnesses.

3. Since the petitioner is seeking certified copy for judgment and deposition of the witnesses, this court of the view that there is no bar for granting the said copies on payment of charges. Mere pending of the non-bailable is not a bar for granting certified copies of the judgment and deposition of the witnesses. Hence, the order passed by the learned Judicial Magistrate Namakkal No.1 dated 24.01.2020 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 and on such re-presentation of the copy application, the trial court is directed to entertain the said copy application and grant certified copies for the judgment and other documents on payment of charges.

4. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Asst.Registrar (CCC)

/true copy/
Sub Asst. Registrar

vv

To

1. The Judicial Magistrate -I,
Namakkal.
- 2.The Chief Judicial Magistrate (for information)
Namakkal
3. The Public Prosecutor,
Madras High Court,
Chennai.

+1 cc to Mr.G.Balasubramaniam Advocate sr17506

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