

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.6477 of 2020

and

Crl. M.P. No.3574 of 2020

Sudha,
D/o. M.Balakrishnan,
New No.258/33, V.O.C. Street,
Kumaran Nagar, Padi,
Chennai - 600 050. Petitioner/Defacto Complainant

Vs.

1.The State,
Rep. by Inspector of Police, AWPS,
W-28, Ambattur Police Station,
Ambattur, Chennai - 600 053. 1st Respondent/Complainant

2.M.Maraiarasu,
S/o. Manohar,
No.4/154, Vasantha Nagar,
North Kattoor, Trichy - 620 019.

3.M.Mahalakshmi,
W/o. Manohar,
No.4/154, Vasantha Nagar,
North Kattoor, Trichy - 620 019.

...2nd & 3rd Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the order dated 30.01.2020 in C.M.P. No.5610 of 2019 in C.C. No.99 of 2016 on the file of Court of Judicial Magistrate, Ambattur.

For Petitioner : Mrs. A.Lakshmi Rajarathinam

For Respondent 1 : Mr. S.Karthikeyan,
Additional Public Prosecutor

For Respondents 2&3 : No representation

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 30.01.2020 in C.M.P. No.5610 of 2019 in C.C. No.99 of 2016 on the file of Court of Judicial Magistrate, Ambattur.

2. It is seen that on the complaint lodged by the petitioner, the first respondent had completed investigation and filed final report and the same has been taken cognizance by the lower Court. At the time of investigation, certain documents have been handed over to the first respondent by the petitioner and the same was not marked before the trial Court while cross examining P.W.1. Therefore, the petitioner sought to mark the documents such as photographs, audio recording, legal notice issued to P.W.1. and also the divorce petition filed by the accused by filing a petition under Section 311 Cr.P.C. in C.M.P. No.5610 of 2019 in C.C. No.99 of 2016 before the Judicial Magistrate, Ambattur. The trial Court dismissed the petition for the reason that the prosecution came up with a blatant petition with false averments and without the petition documents in its possession.

4. It is seen that the first respondent failed to manage those documents along with the charge sheet. Considering the facts and circumstances of the case, this Court is inclined to allow the petitioner to mark the documents which are sought to be marked before the trial Court. Accordingly, the order dated 30.01.2020 in C.M.P. No.5610 of 2019 in C.C. No.99 of 2016 on the file of Court of Judicial Magistrate, Ambattur, is set aside.

5. With the above observation, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed. The prosecution is permitted to recall P.W.1 to mark those documents before the trial Court.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Ambattur.

2.The Inspector of Police, AWPS,
W-28, Ambattur Police Station,
Ambattur, Chennai - 600 053.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.6477 of 2020

RSI (CO)
GN(21/10/2020)



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