



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No. 1290 of 2020

1. T.Gunasekarapandian

2. Soruparani

... Petitioners/R-2 & R-3

Vs.

M. Anitha

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to issue necessary direction to the learned Judicial Magistrate, Aruppukottai to entertain the Copy Application No. 499 of 2019 and to furnish the documents(1 to 13) filed in DVC No. 14 of 2018.

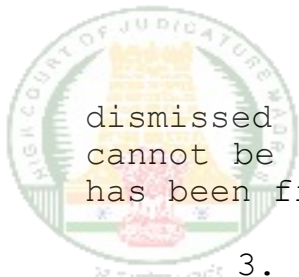
For Petitioners : Mr.V. Sasikumar

O R D E R

This Criminal Original Petition is filed to direct the learned Judicial Magistrate, Aruppukottai to entertain the Copy Application No. 499 of 2019 and to furnish the documents(1 to 13) filed in DVC No. 14 of 2018.

2. The learned counsel appearing for the petitioners would submit that the petitioners are respondents-2 & 3 in DVC No. 14 of 2018 on the file of the learned Judicial Magistrate, Aruppukottai filed by the respondent/wife. The petitioners had earlier approached this Court seeking to quash the proceedings in DVC No. 14 of 2018 and by order of this Court, dated 12.12.2018 while dismissing the petition had directed the petitioners to give an undertaking form of affidavit that the counsel representing them will cross examine the complainant and their witnesses on the date of examination in chief. He would further submit that the respondent/wife had filed 13-documents along with complaint and that the documents were marked during the chief examination and if sufficient opportunity is not granted to the petitioners to cross examine the respondent/wife the petitioners will be severely handicapped and thereby, petition was filed before the trial Court seeking to entertain the Copy Application No. 499 of 2019 and to furnish the documents(1 to 13) filed in DVC No. 14 of 2018.

However, the learned Judicial Magistrate, Aruppukottai had



dismissed the petition stating that the copies of the documents cannot be furnished without they being marked and thereby, petition has been filed seeking to set aside the order.

3. The learned counsel appearing for the petitioner would rely on the Judgment reported in 2005 (4) MLJ page 348 . He would further submit that as per 62 of the Civil Rules of Practice, a party can inspect and obtain a copy filed in Court therewith or thereafter.

4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. On perusal of the order, it is seen that the learned Magistrate had returned the copy application stating that the Judgment relied on by the petitioner is only applicable to the civil cases and it cannot be applicable to the criminal cases. This Court is of the opinion that since the procedure for filing complaint under Domestic Violence Act is under Criminal Procedure Code and Criminal Rules of Practice the certified copies of unmarked documents cannot be issued and this Court does not find any infirmity in the order passed by the learned Judge. However, a direction is issued to the learned Judicial Magistrate, Aruppukkottai to provide sufficient time to the petitioner to peruse the documents, preferably one day and thereafter the petitioner has to do cross examine on the next day.

6. With the above observations, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate, Aruppukkottai.

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

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-4647[F] dated 04/02/2020)

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KSA

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