



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.3205 of 2020

Karthikeyan

..Petitioner

Vs.

The State,
Rep by the Inspector of Police,
District Crime Branch,
Pudukkottai District.

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the learned Principal District and Sessions Judge, Pudukkottai in Crl.R.C. No.13 of 2019 dated 03.12.2019 by confirming the order passed by the learned Judicial Magistrate No.II, Pudukkottai in Crl.M.P. No. 1085 of 2019, dated 16.05.2019.

For Petitioner : Mr.T. Veerakumar

For Respondent : Mr.S. Chandrasekar,
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Pudukkottai in Crl.R.C. No.13 of 2019 dated 03.12.2019 by confirming the order passed by the learned Judicial Magistrate No.II, Pudukkottai in Crl.M.P. No. 1085 of 2019, dated 16.05.2019.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a accused in Crime No. 5 of 2019 registered by the respondent police for the offences under Sections 420, 465, 468, 471(a) & 120(b) of IPC.

3. The case of the prosecution is that the petitioner said to have been appeared before the defacto complainant on 18.03.2019 with an appointment order for the post of Pharmacist and the same was verified by the defacto complainant and found that the said appointment was forged one, hence, the defacto complainant handed over the petitioner's forged appointment order along with the original certificates to the respondent police.



4. The instant Criminal Original Petition has been filed seeking to return the original educational certificates to the petitioner. The petitioner has filed a petition in Crl.M.P. No. 1085 of 2019 before the learned Judicial Magistrate No.II, Pudukkottai and the learned Magistrate after hearing the petitioner by order dated 16.05.2019 dismissed the petition stating that the complaint is yet to be taken on file and moreover, documents are necessary for the case, against the order of dismissal petitioner has filed a Crl.R.C.No.13 of 2019 before the learned Principal District and Sessions Judge, Pudukkottai. The learned Principal District and Sessions Judge by order, dated 03.12.2019 dismissed the petition for return of documents against which, the instant petition is filed.

5. Heard both sides and perused the materials on record.

6. The learned counsel appearing for the petitioner would submit that apart from the alleged forged documents the original documents belonging to the petitioner are also being withheld by the respondent and thereby he is unable to go for any employment. He would thereby seek to set aside the order and seek for a direction to return the documents.

7. The learned Additional Public Prosecutor appearing for the respondent police would submit that the case relates to furnishing of forged documents for employment and the investigation is pending and the case is yet to be taken on file and if the documents are directed to be returned at this stage it will seriously prejudice the case of the prosecution.

8. The allegation against the petitioner itself is relating to forgery of documents. The investigation is pending with regard to finding out the genuineness of the documents. When such being so, the prayer of the petitioner cannot be considered at this stage, till the genuinity of the documents are decided. Accordingly, the instant criminal original petition stands dismissed.

Sd/-

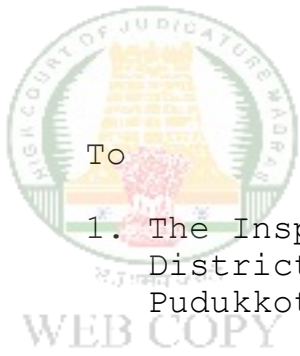
Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The Inspector of Police,
District Crime Branch,
Pudukkottai District.

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

+1 CC to Mr.D.RAMESH KUMAR, Advocate (SR-7997[F] dated 25/02/2020)

Crl.O.P.(MD).No.3205 of 2020
24.02.2020

VB (17.06.2020) 3P 4C