



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD) No.3088 of 2020

Guru Jeyaraman

...Petitioner

Vs.

1. The Superintendent of Police

Ramanathapuram District

Ramanathapuram

2. The Deputy Superintendent of Police

Office of the Deputy Superintendent of Police

District Crime Branch, Ramanathapuram

3. The Inspector of Police

District Crime Branch

Ramanathapuram District

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents herein to recover the original records from the accused and get the hand writing expert opinion from the Forensic Laboratory as per the order passed by this Court in Crl.O.P(MD) No.8830 of 2019 within the time stipulated by this Honourable Court.

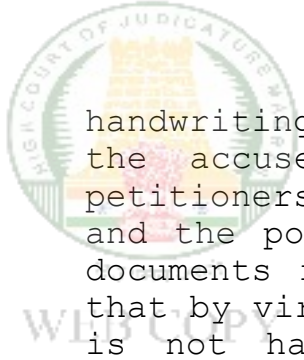
For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the respondents herein to recover the original records from the accused and get the hand writing expert opinion from the Forensic Laboratory as per the order passed by this Court in Crl.O.P(MD) No.8830 of 2019 within the time stipulated by this Honourable Court.

2. The learned counsel for the petitioner would submit that on the complaint given by the petitioner a case in Crime No.12 of 2019 was registered for the offence under Sections 465,468,471 and 420 of IPC. The accused had approached this Court by filing anticipatory application in Crl.O.P(MD) Nos. 8830 and 8835 of 2019. During the course of arguments the accused had stated that they had produced a resolution before the District Registrar and based on the same the District Registrar has issued Form-7 and in such case the question of tampering the evidence does not arise, thereby the respondent can very well direct the petitioners to produce the original records and sent the same to Forensic Lab for getting



handwriting expert opinion. Based on the above submission made by the accused, this Court had granted anticipatory bail. The petitioners have not produced the original records to the police and the police has not taken any steps so far to recover the documents from the custody of the accused. He would further submit that by virtue of the anticipatory bail order the respondent/accused is not handing over the original documents and only on the submission made by them that the records are available with them and there was no tampering and forgery this Court has granted bail to them. Therefore the present petition has been filed seeking for a direction to recover those documents from the custody of the accused.

3. The learned Additional Public Prosecutor would submit that the respondents have repeatedly sent communication to the accused to produce the copy of the documents on 28.07.2019, 14.10.2019 and 21.11.2019, however the accused have not responded. He would also submit that if the accused refuse to produce the documents only adverse inference can be raised against them.

4. At this juncture, the learned counsel for the petitioner would submit that a direction may be issued to the respondent police to furnish details and copies of the summons issued to the accused to enable them to file appropriate petition for cancellation of anticipatory bail granted to the accused.

5. Hence, the respondent police is directed to furnish the petitioner, details and copies of the summons issued under Section 91 of Cr.P.C to the accused so as to enable the petitioners to file appropriate petition for cancellation of anticipatory bail granted to the accused.

6. With the above direction, the petition stands closed.

Sd/-

Assistant Registrar ()

// True Copy //

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Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police
Ramanathapuram District

<https://hcservices.ecourts.gov.in/hcservices/>
Ramanathapuram



2. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
District Crime Branch, Ramanathapuram

3. The Inspector of Police
District Crime Branch
Ramanathapuram District

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

+1 CC to Mr.C.JEGANATHAN, Advocate (SR-8195[F] dated 25/02/2020)

Cr1.O.P.(MD) No.3088 of 2020
21.02.2020

VB(06.03.2020) 3P 6C