

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.No.8522 of 2016
and
Crl.M.P.No. 4448 of 2016

Nathmal Jain ... Petitioner/Accused

-Vs-

State rep. by
The Inspector of Police,
Central Crime Branch,
Chennai.
(C.C.No. 1999 of 2001). ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order in Crl.M.P. No.675 of 2016 in C.C. No. 1999 of 2001, dated 29.03.2016 on the file of III Metropolitan Magistrate, George Town, Chennai.

For Petitioner : No Appearance

For Respondent : Mr.S. Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner seeking to quash the order passed in Crl.M.P.No.675 of 2016 in C.C. No.1999 of 2001 by the learned III Metropolitan Magistrate, George Town, Chennai.

2. According to the petitioner, the respondent police has registered a case against him for offences under Sections 419, 467, 468, 471 r/w Sections 468 and 420 of IPC. After examination of prosecution witnesses, the matter was posted for defence side witnesses. Subsequently, the original Power of Attorney was produced before the Court below by the Sub-Registrar viz., Periyasamy (PW4) pertaining to the forged Power of Attorney as Document No.373 of 1997 dated 31.03.1997 and the same was sent to the forensic examination along with specimen signature of the petitioner/accused as per the order of the learned XVI Metropolitan Magistrate, George Town, Chennai.

3. In the meanwhile, the petitioner/accused sought for to examine the Registrar namely Periyasamy (PW4) and produce the copy of the Power of Attorney which was available in the Sub Registrar's Office and it is stated that the original copy of the alleged Power of Attorney which has been sent by PW4 to the Court below and the same was examined but it was not marked through PW4. Therefore, the matter was posted for defence side witnesses. In the meanwhile, the petitioner has filed the present petition without any merits so as to fill-up any lacuna on the side of the prosecution. Hence, no prejudice would be caused to the petitioner/accused.

4. The averment in the petition is that the petitioner had created forged Power of Attorney and committed for the offences under Sections 419, 467, 468, 471 r/w Sections 468 and 420 of IPC. On perusal of the entire records, it is seen that the prosecution side witnesses was closed on 10.04.2014 and the cross examination was also completed and now the petitioner/accused has to be examined 313 of Cr.P.C., and the matter was posted for defence side witnesses. At this juncture, the petitioner has filed a petition under Section 311 of Cr.P.C., to recall PW4 and the said witness which is fill-up lacuna and also protract proceedings.

5. The learned Additional Public Prosecutor appearing for the respondent (CrI. Side) submitted that the witnesses have already been examined and the defence side witnesses let in and the petitioner sought for has now become inructuous. It is only to protract the proceedings as it is seen that the petitioner said Power of Attorney had already been produced before the Court below and there is no necessity to produce the original Power of Attorney as Doc. No.373 of 1997.

6. Recording the above submission made by the learned Additional Public Prosecutor, the prayer sought for in the criminal original petition has become infructuous. Accordingly, the criminal original petition is dismissed as infructuous. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

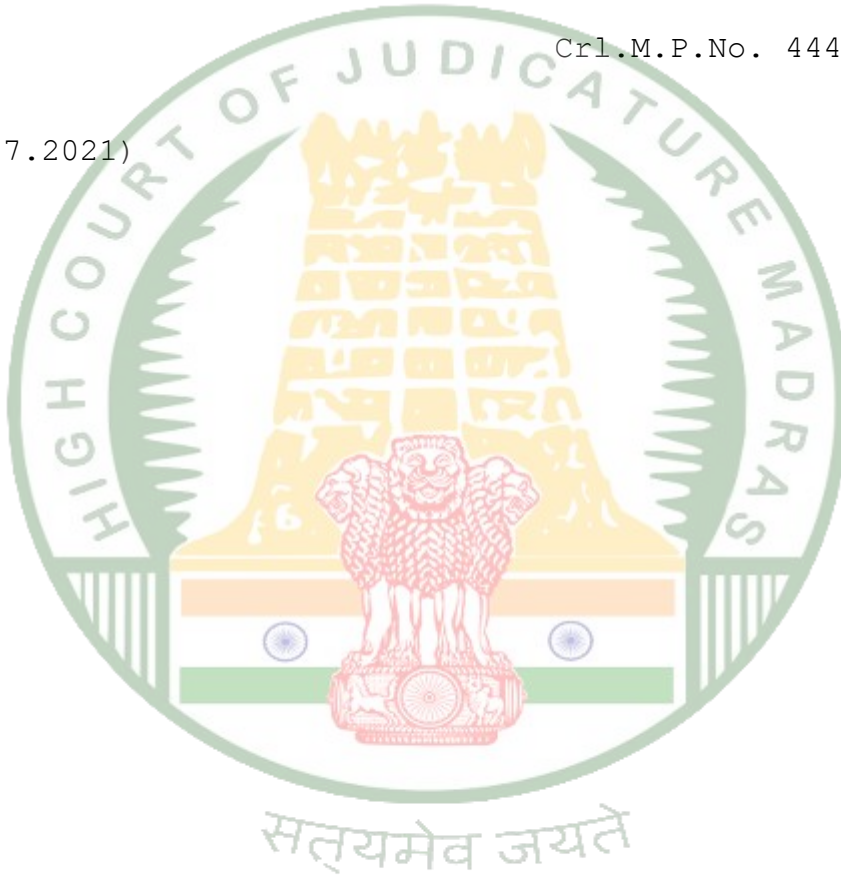
msm

To

1. The III Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
Central Crime Branch,
Chennai.
3. The Public Prosecutor
High Court, Madras

CRL.O.P.No.8522 of 2016
and
Crl.M.P.No. 4448 of 2016

SRA (CO)
R.K. (13.07.2021)



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