



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.02.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.553 of 2020

WEB COPY

Pavithran

... Petitioner

Vs.

1.State rep. the Inspector of Police,
CDCID, Theni.
(Crime No.1/2019)

2.The Dean,
SRM University,
Faculty of Medicine and Health Science,
Kattankulathur,
Kancheepuram District - 603 203.
(R2 impleased as per order of this Court,
dated 10.12.2020 in Cr.M.P. (MD)
No.6857/2020

... Respondents

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records made in Crl.M.P.No.2018 of 2020 on the file of the Judicial Magistrate, Theni, filed by the petitioner under section 451 Cr.P.C. and to set aside the partial dismissal order, dated 21.09.2020.

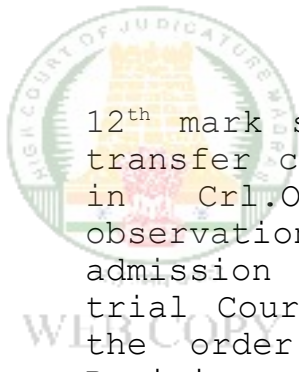
For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.S.Chandra Sekar
Additional Public Prosecutor
for R1
: Mr.V.Venkatesh for R2

ORDER

This Criminal Revision Case has been filed to set aside the partial order passed by the Judicial Magistrate, Theni, in Crl.M.P.No.2018 of 2020, dated 21.09.2020.

2.The allegation against the petitioner is that he malpracticed in NEET examination. All the educational documents of the petitioner were seized by the respondent police and some of the documents were handed over before the Judicial Magistrate, Theni. The petitioner filed a petition for return of the documents. This Court, in Crl.O.P.(MD)No.7698 of 2020, has ordered to return the 10th and 12th mark sheet to the revision petitioner. On the basis of the order of this Court, the petitioner has approached the Judicial Magistrate, Theni and filed a petition in Crl.M.P.No.2018 of 2020, whereas, the Judicial Magistrate, Theni, has returned the 10th and



12th mark sheet to the petitioner. The petitioner sought for the transfer certificate produced before the trial Court. This Court, in Crl.O.P.(MD)No.7698 of 2020, dated 07.09.2020, has made an observation that since those documents were handed over for admission in M.B.B.S course, those documents are of no use and the trial Court also refused to return back those documents. Against the order of the trial Court, the petitioner preferred this Revision.

3.This Court *suo-motu* ordered the petitioner to implead SRM University as the respondent.

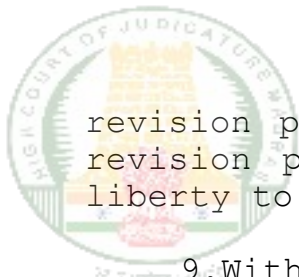
4.On the side of the petitioner, it is stated that the petitioner being a student is to be permitted to join another course in another college, for the same, the petitioner need transfer certificate and conduct certificate issued from the School.

5.On the side of the first respondent/prosecution, it is stated that the School Transfer Certificate and the Conduct Certificate are of no use. Since the petitioner was admitted in M.B.B.S. Course in the SRM University, there is no question of return of School Transfer Certificate and Conduct Certificate and prayed the petition to be dismissed.

6.On the side of the second respondent / SRM University, it is stated that all the relevant documents are already handed over to the police, and in turn, they were produced before the Judicial Magistrate, Theni.

7.On the side of the second respondent/SRM University, it is stated that the School Transfer Certificate and Conduct Certificate are submitted by the petitioner at the time of admission to M.B.B.S Course. Once admission was given, there is no question of returning back the School Transfer Certificate and the Conduct Certificate to the student. It is further stated that for non-continuation of M.B.B.S Course, the SRM University can issue a Transfer Certificate and in the Conduct Certificate, it will be mentioned that the petitioner is undergoing criminal prosecution and a clean chit or a good Conduct Certificate to the petitioner cannot be given without mentioning the pendency of the case and subject to this condition, the SRM University is ready to give Transfer Certificate and Conduct Certificate to the petitioner.

8.It is seen that already the petitioner has been admitted in the M.B.B.S. Course at the second respondent / SRM University by producing the School Transfer Certificate and Conduct Certificate and there is no question of returning back the same documents to the revision petitioner. It is seen that the revision petitioner having been admitted in another college, it is the duty of the second respondent / SRM University to give Transfer Certificate to the



revision petitioner. Since the case has been pending against the revision petitioner, the second respondent SRM University is at liberty to mention the same in the Conduct Certificate.

9. With the above observations, this Criminal Revision Case is allowed to the extent indicated above. The SRM University is directed to give the Transfer Certificate and Conduct Certificate within a period of two weeks from the date of filing of necessary application by the petitioner .

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ls

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judicial Magistrate,
Theni.

2. The Inspector of Police,
CDCID, Theni.

3. The Dean,
SRM University,
Faculty of Medicine and Health Science,
Kattankulathur,
Kancheepuram District - 603 203.

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

Copy To:-

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2C)

Crl. R.C. (MD) No. 553 of 2020

02.02.2021

(SE) CO

AP(08/02/2021) 3P 7C

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