



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P. (MD) No.12663 of 2021

A.Babu @ Rathinavel Pandian

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
CBCID,
Thanjavur District.
In Crime No.2 of 2015

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records in connection with C.P.No.316 of 2021 dated 28.07.2021 and set aside the same as illegal and consequently directing the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District to issue the certified copy of dismissal order passed in Cr.MP.No.1126 of 2021 dated 23.07.2021.

For Petitioner : Mr.M.Seenisulthan

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the entire records in connection with C.P.No.316 of 2021 dated 28.07.2021 and set aside the same as illegal and consequently directing the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District to issue the certified copy of dismissal order passed in Cr.MP.No.1126 of 2021 dated 23.07.2021.

2.The grievance of the petitioner is that warrant has been issued against the petitioner in PRC No.21 of 2013 and he filed application to recall the warrant. That came to be dismissed by the Committal Court on 23.07.2021. He filed copy application seeking the copy of the dismissal order through the above said copy application No.316 of 2021. It came to be returned stating that since the petitioner is absconding, he is not entitled for any copy of the order.

3. It is very unfortunate that the petitioner has been denied even the copy of the dismissal order by the concerned Court. Whether the petitioner is absconding or not it cannot be a matter for considering the copy application. Since the order is judicial order passed by the concerned Court, the petitioner is entitled for the copy of the same. So, direction is issued to the learned



Judicial Magistrate, Thiruvaiyaru to comply the copy application, without making any unnecessary returns. The copy application that has been returned either can be represented or fresh copy application may be filed at the choice of the petitioner.

4. With the above direction, this Criminal Original Petition is allowed. Registry is directed to return the original copy application to the petitioner, after getting due acknowledgment.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vrn

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 Court, Thiruvaiyaru,
Thanjavur District.

2. The Inspector of Police,
CBCID,
Thanjavur District.
In Crime No.2 of 2015

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

4. The Section Officer,
ER Section,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.12663 of 2021

02.09.2021

RK (16.09.2021) 2P 5C