



WEB COPY
C.O. Letter No.249/2021/MB

DATED:27/09/2021

FROM

N.ELANGO, B.Com., L.L.M.,
ASSISTANT REGISTRAR(CO),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

To

1.THE JUDICIAL MAGISTRATE NO.V,
TRICHY.

2.THE SUB-INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TRICHY DISTRICT.

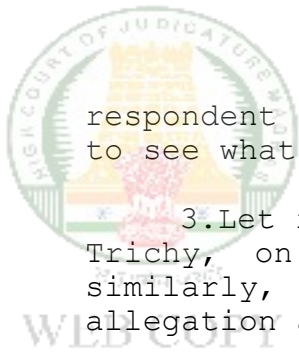
Sub: CRL OP(MD). No.14091 of 2021 on the file of the Madurai Bench of Madras High Court to call for the records in pursuant to direct the Judicial Magistrate -V, Trichy to consider the photo copies of the documents, which were produced at the time of filing, as Primary Evidence in C.C.No.21/2015 on the file of the Judicial Magistrate-V, Trichy - report called for - Regarding.

Ref: High Court's Order dated 22/09/2021 in CRL OP(MD). No.14091 of 2021

The Hon'ble High Court, while hearing the Crl.OP(MD)14091/2021 on 21/09/2021, has passed an order as follows;

This petition has been filed seeking a direction to the learned Judicial Magistrate No.V, Trichy, to consider the photo copies of the documents, which were produced at the time of filing, as Primary Evidence in C.C.No.21 of 2015 for the purpose of considering the petition under Section 173 (8) Cr.P.C. seeking further investigation.

2.The grievance of the petitioner is that originally he filed a private complaint enclosing the original documents in Serial Numbers 4 to 10 in the annexure. Those documents were sent to the investigating Officer for the purpose of carrying on the investigation. But when he filed the final report before the concerned Court the original documents were not returned. When the same was known to the petitioner, he filed a petition in Cr.M.P.No.900 of 2021 before the learned Judicial Magistrate Court No.V, Trichy, seeking to treat the xerox copies of the documents as primary evidence. But that petition came to be dismissed by the trial Court stating that xerox copies cannot be treated as original documents. But the fact remains that those original documents, that were originally filed by the petitioner before the trial Court, were sent to the first



respondent for investigating purpose. It is the duty of the trial Court to see what happened to the original documents.

3.Let report be called for from the learned Judicial Magistrate No.V, Trichy, on the allegation that has been made in this petition and similarly, the first respondent may also file a report with regard to the allegation as to what happened to the original documents.

4.List the matter for final disposal after receiving the report from the first respondent and the learned Judicial Magistrate No.V, Trichy, on **01.11.2021**.

As directed, you namely;

- i) The Judicial Magistrate No.V, Trichy.
- ii The Sub Inspector of Police,
Palakkarai Police Station, Trichy District

are hereby directed

to submit your report as stated supra, to this Registry on or before 29/10/2021 as the matter stands posted on 01/11/2021.

This may be treated as most urgent.

YOURS FAITHFULLY,

ASSISTANT REGISTRAR (CO)

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai
(For following up the report and posting the matter)

GC(27.09.2021) 2P 4C