



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 06.10.2021

CORAM

WEB COPY

The Hon`ble Mr.Justice G.ILANGOVAN

***CrI.O.P(MD).No.15188 of 2021 and
CrI.M.P(MD).No.8138 of 2021***

K. Mohamed Siddiq

... Petitioner

Vs

The Deputy Superintendent of Police,
CBCID Police,
Plot No.9, Arasu Nagar,
Behind Duraiappa Ginning Factory,
Palanichettypatti,
Theni,
Theni District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the order passed in CrI.M.P.No.309 of 2021, dated 31.08.2021 on the file of the Principal Sessions Court, Theni and set aside the same.

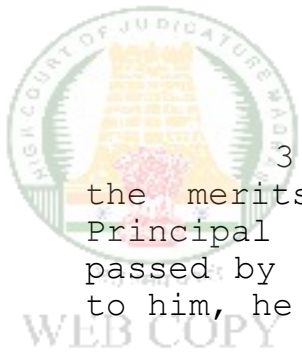
For Petitioner : Mr. K.K. Samy

For respondent : Mr.RMS. Sethuraman
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records pertaining to the order passed in CrI.M.P.No.309 of 2021, dated 31.08.2021, on the file of the Principal Sessions Court, Theni and set aside the same.

2. The petitioner has filed the said CrI.M.P.No.309 of 2021, on the file of the Principal Sessions Court, Theni to send for documents pertaining to S.C.No.137 of 2019, pending on the file of Sub-Court, Uthamapalayam and the said petition came to be dismissed holding that such a petition is not maintainable. Moreover, the learned Judicial Magistrate, Uthampalayam has no power or right to direct the CBCID to investigate the matter.



3. The grievance of the petitioner is that without deciding the merits of the case filed by the petitioner, the learned Principal Sessions Judge, Theni gone into the merit of the order passed by the learned Judicial Magistrate, Uthamapalayam, according to him, he need not consider that.

4. The grievance of the petitioner is that the entire trial Court records must be sent for the purpose of consideration. The documents that are sought to be called for are a public documents. So, the petitioner can very well file a copy application before the concerned Court for getting a certified copies and file them before the Court without resorting to such process filing the petition under Section 91 Cr.P.C., calling for the entire records is not proper. If the Court considers that the production of the original documents are necessary, the Court can suo motu call for records from the concerned Court. Even though the limited issue was raised before the revisional Court, the revisional Court went into the merits of the case and as to the power of the Judicial Magistrate to order CBCID enquiry. Even though this point has been raised by the petitioner at the time of arguments, it is stated that the jurisdictional Magistrate are having no power to order CBCID enquiry even on merits. This petition is not maintainable.

5. With the above direction, the Criminal Original Petition is disposed of confirming the order passed by the learned Principal Sessions Court, Theni in CrI.M.P.No.309 of 2021, dated 31.08.2021. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

1.The Principal Sessions Judge,
Theni.

2.The Deputy Superintendent of Police,
CBCID Police,
Plot No.9, Arasu Nagar,
Behind Duraiappa Ginning Factory,
Palanichettypatti,
Theni, Theni District.



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

WEB COPY

***CrI.O.P (MD) .No.15188 of 2021 and
CrI.M.P (MD) .No.8138 of 2021
06.10.2021***

MGJ/JGB(17.11.2021) 3P 4C