



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD)No.19336 of 2021

Dhandapani

... Petitioner / Sole Accused

Vs

State represented through,
The Inspector of Police,
Thenkarai Police Station,
Theni.

(In Crime No.338 of 2021)

... Respondent / Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned 1st Additional District and Session Judge, Periyakulam to entertain 91 Cr.P.C application filed by the petitioner in unnumbered Crl.M.P. in S.R.No.2280 of 2021 in S.C.No.106 of 2021 on the file of the learned Additional District and Sessions Judge.

For Petitioner : Mr.S.M.A.Jinnah

For R1 : Mr.M.Sakthi Kumar

Government Advocate (Crl.)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.) for the respondent.

2. The petitioner is the sole accused in S.C.No.106 of 2021 on the file of the 1st Additional District and Sessions Judge, Periyakulam. He filed the petition under Section 91 of Cr.P.C., calling for certain documents.

3. The grievance of the petitioner is that the trial Judge has refused to even entertain the petition. The approach of the trial Court cannot be faulted. When the defence stage comes, it is always open to the petitioner to call for these documents. In my view, the petition has been prematurely filed by the petitioner. It is certainly open to the petitioner to file such a petition to call for the said documents at the appropriate stage.

4. Leaving open the petitioner's rights, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 1st Additional District and Sessions Judge,
Periyakulam
- 2.The Inspector of Police,
Thenkarai Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.19336 of 2021
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MGJ(21.12.2021) 2P 4C