

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.6109 of 2022
in Crl.O.P.No.25031 of 2021

N.Sethuraman

... Petitioner

vs.

1.The Deputy Superintendent of Police,
District Crime Branch, Ooty,
The Nilgiris.

2.The Inspector of Police,
District Crime Branch,
The Nilgiris.

3.The Inspector-General of Police,
Western Range, Race Course,
Coimbatore.

4.Senthil Kumar,
Then Inspector of Police,
District Crime Branch,
Ooty, The Nilgiris.

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C. to clarify the order passed in Crl.O.P.No.25031/2021 dated 10.01.2022 by this Court in so far as paragraph 4 is concerned.

Crl.OP.No.25031 of 2021: Criminal original Petition filed under section 482 of the Code of Criminal Procedure to direct the Respondent 1 to 4 to produce the documents in original provided by the petitioner on 10.01.2018 in Crl.MP.1953 of 2019 in Cr. No. 07 of 2017 before the Judicial Magistrate Kotagiri in the case relating to in FIR No. 7/2017 registered on the file of the District Crime Branch Nilgiris.

For Petitioner : Mr.Niranjan Rajagopalan

For Respondent 1 to 3 : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

This Criminal Miscellaneous Petition has been filed seeking to clarify the order passed in Crl.O.P.No.25031 of 2021 dated 10.01.2022 by this Court in so far as paragraph No.4 is concerned.

2. The petitioner, who is the defacto complainant in this case had already filed a protest petition, which is pending before the learned Judicial Magistrate, Kotagiri. To substantiate his arguments with documents, he has to refer to these 15 documents, hence, necessarily to be produced before the learned Judicial Magistrate, Kotagiri.

3. Earlier, Crl.O.P.No.25031 of 2021 was disposed of by this Court on 10.01.2022. In paragraph No.2 of the order, this Court had enlisted the 15 documents, which were collected by one Senthil Kumar, the then Inspector of Police, District Crime Branch, Ooty. In the 5th line in paragraph No.4 of the order, it is recorded that the documents 1 to 15 have been produced before the learned Judicial Magistrate, Kotagiri, but, factually, it is incorrect. Accordingly, the learned counsel for the petitioner seeks clarification on the said line of the order dated 10.01.2022.

4. The learned Additional Public Prosecutor appearing for the respondent/Police submitted that the 15 documents referred to in the above order so far not produced before the learned Judicial Magistrate, Kothagiri. He further submitted that within a period of two weeks, i.e. on or before 13.05.2022, the documents will be produced before the learned Judicial Magistrate, Kotagiri.

5. In the aforesaid circumstances, this Court directs the learned Judicial Magistrate, Kotagiri to receive the documents advert to it in the event of petitioner or others refer while the arguments in the protest petition is advanced.

6. In view of the above, this Criminal Miscellaneous Petition is ordered and the issue is clarified, accordingly.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Deputy Superintendent of Police,
District Crime Branch, Ooty,
The Nilgiris.
- 2.The Inspector of Police,
District Crime Branch,
The Nilgiris.
- 3.The Inspector-General of Police,
Western Range, Race Course,
Coimbatore.
- 4.The Judicial Magistrate Court,
Kotagiri.
- 5.The Public Prosecutor,
Madras.

Crl.M.P.No.6109 of 2022
in
Crl.O.P.No.25031 of 2021

GSM(CO)
SB(29/04/2022)