

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.11241 of 2022

and

Crl.M.P.No. 6469 of 2022

Venkatasubramani,
S/o. Rajendran

... Petitioner

Versus

Shanthakumari @ Shanthi,
W/o. Venkatasubramani

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the order dated 31.03.2022 made in Crl.M.P.No.1175 of 2022 in DVA No. 02 of 2013 on the file of Judicial Magistrate Court No.I, Udumalaipet and set aside the same as illegal.

For Petitioner : Mr.Sulthan Basha

ORDER

This Criminal Original Petition has been filed to challenge the order passed by the learned Judicial Magistrate Court No.1, Udumalaipet, dismissing the petition filed under Sec.91 of Cr.P.C. for production of salary details of respondent.

2. The learned Judicial Magistrate taking note of the fact that, the respondent was not working in a particular college and also the fact that the petitioner has been relieved, dismissed the petition.

3. Heard the learned counsel appearing for petitioner and perused the records.

4. At the outset, the very invoking of Sec.91 of Cr.P.C. for issuing summons to the respondent for production of documents itself is not proper. Sec.91 of Cr.P.C. indicates that whenever any Court or any officer in charge of a police station considers that the production of such document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding. Therefore, this Court is of the view

that order passed by the trial court rejecting the petition does not warrant any interference. If at all, the petitioner wants to establish certain fact, he can very well summon any witnesses on his side along with documents to establish his stand before the trial court during the trial proceedings. With the above observation, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpp

To

The Judicial Magistrate Court No.I, Udumalaipet.

CRL.O.P.No.11241 of 2022

PMK(CO)
CT 15/06/2022