



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.13388 of 2022

Mathiazhagan

... Petitioner/Respondent

Vs.

1. Rajamani

2. Nathiya

... Respondents/Petitioners

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., pleased to set aside the order passed in CrI.M.P.No.1210 of 2021 in M.C.No.6 of 2001 dated 17.03.2022 pending on the file of the Learned Judicial Magistrate, Tiruchengode.

For Petitioner : Mr.N.Umapathi

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed in CrI.M.P.No.1210 of 2021 in M.C.No.6 of 2001 dated 17.03.2022, pending on the file of the Learned Judicial Magistrate, Tiruchengode, dismissing the application filed under Section 91 of Cr.P.C to summon the case records in M.C.No.6 of 2001.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. It is seen that the learned trial Judge taking note of the fact that the case records in M.C.No.6 of 2001 are destructed by Government Gazette No.39 of D.No.1228 of 2017 dated 20.08.2017.

4. Considering the facts and circumstances of the case, this Court is of the view that the order passed in CrI.M.P.No.1210 of 2021 in M.C.No.6 of 2001 dated 17.03.2022 does not require any interference. When the record is already destructed, the question of seeking entire case records under Section 91 of Cr.P.C., does not arise at all. It is for the petitioner to



prove the particular fact of the payment, if anything made through the concerned counsel or anyone, who acquainted with the facts of the case in M.C.No.6 of 2001.

5. Accordingly, this Criminal Original Petition stands disposed of with the above directions.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rgi/shk

To:-

The Judicial Magistrate, Tiruchengode.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.34767

CrI.O.P.No.13388 of 2022

PMK (CO)
CT/23/06/2022