



CrI.O.P No.17174 o-----

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **09.11.2022**

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P No.17174 of 2021

K.Nagarajan

... Petitioner

Vs.

1.The Superintendent of Police,
Kallakurichi District.

2.The Inspector of Police,
Manalurpet Police Station,
Thirukoilur Taluk,
Kallakurichi District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to direct the 2nd respondent to produce the documents before the Judicial Magistrate Court, Thirukoilur, in connection with Crime No.208 of 2016 along with MV Report, Lorry RC Book, Driver Licence, Insurance Copy and Wound Certificate of the petitioner.

For Petitioner : M/s. R.Pushpalatha

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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This petition is filed to direct the 2nd respondent to produce the documents before the Judicial Magistrate Court, Thirukoilur, in connection with Crime No.208 of 2016 along with MV Report, Lorry RC Book, Driver Licence, Insurance Copy and Wound Certificate of the petitioner.

2. The case of the prosecution is that the petitioner had met with an accident on 06.08.2016 while he was riding his two wheeler bearing Reg. No.TN-32 L 2183 from Tiruvannamalai to Thirukoilur by hitting against a Lorry bearing Reg. No.TN-25AB-9790. Since he sustained injuries, he was admitted in the Government Hospital Thirukoilur and given further treatment at JIPMER Hospital, Puducherry. In view of the said occurrence, the father of the petitioner had given a complaint. On the said complaint a case has been registered in Cr. No.208/2016 by the second respondent police. The petitioner had filed a Motor Accident Claim Original Petition before the District Court, Villupuram. The essential documents like MV Report, Lorry RC Book, Driver Licence, Insurance Copy and wound certificate of the petitioner are not available, the petitioner's counsel is unable to file his claim application. So the



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petitioner filed a petition under Section 91 Cr.P.C. before the Judicial Magistrate, Thirukoilur in Crl.M.P. No.1917/2021 to summon the second respondent to produce the documents before the Court in connection with Cr. No.208/2016. The said petition was dismissed on 15.04.2022 by stating that the petitioner should summon the documents only for the purpose of getting certified copies and not for the proceedings. Aggrieved over that, the present Criminal Original Petition is filed.

3. It is seen that the trial Court had observed that the Court would send summons under Section 91 Cr.P.C., only if the Court feels that those documents are necessary for the purpose of criminal case. The petitioner had filed a copy application for seeking copies of documents and the same was returned by stating that those documents were not received by the Court. So the petitioner had sent a representation to the first respondent by expressing his difficulties but the said representation has not been considered.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that if the petitioner intends to receive the same, he can receive a copy from the second respondent directly; even though those



documents are available, only if those documents are filed in the proceedings pending in Cr. No.208/2016 before the learned Judicial Magistrate, Thirukoilur, it is possible for the petitioner to apply for his certified copy and obtain the same.

5. Only with the help of certified copies, the petitioner can file the claim application for compensation. Since the grievance of the petitioner is understandable, I feel that a direction can be given to the second respondent to produce MV Report, Lorry RC Book, Driver Licence, Insurance Copy of the vehicles involved in the accident along with the wound certificate of the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the second respondent is directed to produce MV Report, Lorry RC Book, Driver Licence, Insurance Copy of the vehicles involved in the accident along with the wound certificate of the petitioner before the Judicial Magistrate, Tirukoilur, within a period of two weeks from the date of receipt of a copy of this order.

09.11.2022

Index : Yes/No
Speaking Order : Yes / No



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To:

- 1.The Superintendent of Police,
Kallakurichi District.
- 2.The Inspector of Police,
Manalurpet Police Station,
Thirukoilur Taluk,
Kallakurichi District.
3. The Judicial Magistrate, Thirukovilur.
- 4.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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