



Crl.O.P No.19249 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.19249 of 2021

D.Kannan

... Petitioner

Vs

The State, represented by
Superintendent of Police-II
Crime Branch CID, Pantheon Road
Egmore, Chennai-600 008.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records pertaining to Crl.M.P No.171 of 2021 in
C.C No.231 of 2021 passed by the Chief Judicial Magistrate, Villupuram
and set aside the order dated 04.10.2021 by allowing this petition.

For Petitioner : Mr.V.S.Venkatesh

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed, seeking to set aside
the order of the learned Chief Judicial Magistrate, Villupuram, made in
Crl.M.P No.171 of 2021 in C.C.No.231 of 2021 dated 04.10.2021.



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2. Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor for the respondent.

3. The petitioner is the 2nd accused in C.C No.231 of 2021 pending on the file of the Chief Judicial Magistrate, Villupuram; so far as the petitioner/2nd accused is concerned, he is charged for the offences under Sections 341 and 506(i) IPC; before the trial was commenced, the petitioner had filed a discharge petition and during that course, he had filed a petition in Crl.M.P No.171 of 2021 under Section 91 of Cr.P.C to call for certain documents listed as under:

Sl. No.	Date	Particulars of the documents to be summoned	Name and Address of custodian of the document
1	22.02.2021	Two complaint preferred by LW1 to LW23	Director General of Police (HOPF), Mylapore, Chennai-600 004.
2		Report of the Internal Complaint Committee forwarded to the Government of Tamil Nadu along with statement of the petitioner/A2 in the said proceedings dated 16.03.2021.	Home Secretary, Government of Tamil Nadu, Fort St.George, Chennai-600 009.
3	22.02.2021	Chengalpet District - Bandobust scheme of Hon'ble Chief Minister, Tamil Nadu along with crash report in C.No.139-1/10/SB/CPT/2021 DTO 211716	Superintendent of Police, Chengalpet District, District Police Office, Chengalpet-603 001.



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Sl. No.	Date	Particulars of the documents to be summoned	Name and Address of custodian of the document
4	15.03.2021	Statement recorded by LW127 from petitioner/A2	Superintendent of Police (CBCID), Egmore, Chennai-600 008.
5	30.03.2021	Email from the petitioner/A2 to LW127.	Superintendent of Police (CBCID), Egmore, Chennai-600 008.

The said petition was dismissed. Aggrieved over that, this criminal original petition has been preferred.

4. The learned counsel for the petitioner submitted that before giving this complaint, the de-facto complainant has given a complaint before LW23 on 22.02.2021 and that has to be furnished to him. However, during the course of arguments, the learned counsel for the petitioner stated that the document No.2, 4 and 5 are not required. Serial No.3 is dated 22.02.2021 which would show the bandobust scheme of Hon'ble Chief Minister, Tamil Nadu along with crash report in C.No.139-1/10/SB/CPT/2021 DT) 211716. So far as the document in Serial No.1 is concerned, it is stated and seen that the same has been reproduced in entirety in the FIR itself. So, the necessity to call for the document once again does not arise. So far as the document in Serial No.3 is concerned,



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the petitioner himself does not quarrel about his deployment in bandobust scheme on the alleged day. Hence, the Chief Judicial Magistrate, Villupuram has rightly appreciated the contention and chosen to dismiss the petition. Since the documents listed need not be sent for the reasons above stated, the order of the Chief Judicial Magistrate, Villupuram does not require any interference.

5. In the result, this Criminal Original Petition is dismissed.

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Index : Yes/ No
Speaking Order: Yes/No
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To

1. The Chief Judicial Magistrate
Villupuram.
2. The Superintendent of Police-II
Crime Branch CID, Pantheon Road
Egmore, Chennai-600 008.
3. The Public Prosecutor
High Court of Madras.



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R.MANJULA, J

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