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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.25031 of 2021

N.Sethuraman

... Petitioner

Versus

1. The Inspector of Police,
District Crime Branch,
The Nilgiris.
2. The Superintendent of Police,
The Nilgiris.
3. The Inspector-General of Police,
Western Range, Race Course,
Coimbatore.

4.Senthil Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Nos.1 to 4 to produce the documents in original provided by the petitioner on 10.01.2018 in CrI.M.P.No.1953 of 2019 in Cr.No.07 of 2017 before the Judicial Magistrate, Kotagiri in the case relating to in FIR No.7 of 2017 registered on the file of the District Crime Branch Nilgiris.

For Petitioner : Mr.G.Rajagopalan
Senior Counsel For
M/S.G.R.Associates

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to direct the respondent Nos.1 to 4 to produce the documents in original provided by the petitioner on 10.01.2018 in CrI.M.P.No.1953 of 2019 in Cr.No.07 of 2017 before the Judicial Magistrate, Kotagiri in the case relating to in FIR



No.7 of 2017 registered on the file of the District Crime Branch Nilgiris.

2.The contention of the petitioner is that the originals of the following documents were submitted to one Senthil Kumar, the then Inspector of Police, District Crime Branch, Ooty on 10.01.2018:-

1. Guarantee given by Mrs.Shanthi, Wife of Mr.Subramanian and mother of Mr. Ravi Kumar.
2. Sale Agreement dated 23.07.2015 executed by Mrs.Shanthi S, Wife of Mr.Subramanian in favour of Mrs.Lakshmi Nagarajan, Wife of Mr.S.D.Nagarajan (One of the Directors of the defacto complainant company for the liability of her son Mr.Ravi Kumar) Doc.No.1548/2015 SRO, Kothagiri original.
3. Encumbrance certificate for the period from 01.01.1980 to 12.05.2015 with regard to the property at Neduthula, Kothagiri agricultural land.
4. Apology letter dated 23.04.2015 given by Mr.Ravi Kumar admitting the misappropriation of funds along with the payment details collected already from the customers.
5. Apology letter dated 25.04.2015 given by Mr.Ravi Kumar admitting the misappropriation of funds along with the payments details.
6. Apology letter dated 18.05.2015 given by Mr.Ravi Kumar admitting the misappropriation of funds along with the payments collected already from customers.
7. Details of drugs sold by Mr.Ravi Kumar
8. Shortage of stock details
9. Final warning letter dated 08.10.2015 given by the management duly accepted by Mr.Ravi Kumar.
- 10.Minutes of meeting held on 04.12.2016 at the office of Mr.C.Srivatsan advocate, situated at No.2, Ramar Koil Street, Ramnagar, Coimbatore - 641 009 signed by Mr.Ravi Kumar, Mrs.Shanthi Subramanian, Mrs.Lakshmi Nagarajan and Mr.S.D.Nagarajan.



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- 11.Undertaking given by Mr.Ravi Kumar dated 24.04.2015.
- 12.Individual Personal Guarantee dated 24.04.2015 given by Mrs.Menaga Sivasankaran for the liability of her husband Mr.Ravi Kumar
- 13.Letter dated 21.05.2015 given by Mr.Ravi Kumar admitting his liability and dues to the management.
- 14.Letter dated 25.04.2015 by Mr.Ravi Kumar to Canara Bank to take over the loan.
- 15.Sale Registration document (No.1134/2014) of property purchased by Mr.Ravi Kumar, Plot No.80, Elango Nagar, S.F.No.554/2, 555/2, 562, 561/1, 561/3 in No.4, Veerapandi Village, Coimbatore - 641 019. (Certified Copy).

3.The said Senthilkumar, the then Inspector of Police, District Crime Branch, Ooty has received the same on 10.01.2018. The Senthilkumar given acknowledgment for the receipt of the same. Thereafter, now, the petitioner understands that the case is closed and one of the reason is that the petitioner not produced the original documents during the investigation. Hence, the petitioner filed a protest petition, which is now pending before the Judicial Magistrate, Kotagiri to prove the fact that on a wrong presumption, the case has been closed without proper investigation. The production of these documents are very much necessary.

4.The learned Additional Public Prosecutor submits that there is acknowledgment in page No.133 of the typed set of papers stating that the said Senthilkumar, the then Inspector of Police, District Crime Branch, Udthagamandalam, the Nilgiris had acknowledged for receipt of the document Nos.1 to 15 and the same is produced before the Judicial Magistrate, Kotagiri for the protest petition filed in Crime No.7 of 2017.

5.Recording the submissions of the learned Additional Public Prosecutor, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



ah/sp

To

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

+1cc to M/S.G.R.Associates, Advocate, S.R.No.2550

Cr1.O.P.No.25031 of 2021

PL[co]
NSK 27/01/2022