



CrI.O.P.(MD) No.19163 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.19163 of 2022

C.Jebamani

...Petitioner

vs

**The Inspector of Police
Kulasekaram Police Station
Kanyakumari District**

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in CC No.128/2011 on the file of the learned Judicial Magistrate No.II, Padmanabapuram, Kanyakumari in Crime No.364/2008 on the file of the Respondent with regard to the final report filed by the respondent and set aside the same and issue a direction directing the Respondent to take notice of the wound certificate dated 13.12.2008 issued by the Doctor from Dr.Issac Bone and Joint Speciality Hospital, Marthandam, Kanniyakumari District to reinvestigate the case in Crime No.364 of 20085 on the file of the Respondent and file a final report afresh before the learned Judicial Magistrate No.II, Padmanabapuram, Kanniyakumari within the time stipulated by this Court.



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For Petitioner : Mr.K.P.Krishnadoss

For Respondent : Mr.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition had been filed to call for the records in CC No.128/2011 on the file of the learned Judicial Magistrate No.II, Padmanabapuram, Kanyakumari in Crime No.364/2008 on the file of the Respondent with regard to the final report filed by the respondent and set aside the same and issue a direction directing the Respondent to take notice of the wound certificate dated 13.12.2008 issued by the Doctor from Dr.Issac Bone and Joint Speciality Hospital, Marthandam, Kanniyakumari District to reinvestigate the case in Crime No.364 of 20085 on the file of the Respondent and file a final report afresh before the learned Judicial Magistrate No.II, Padmanabapuram, Kanniyakumari within the time stipulated by this Court.

2. When the case is taken up for hearing, the learned Counsel for the Petitioner sought short adjournment.



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3. The learned Additional Public Prosecutor would submit that the wound certificate had not been produced during trial. Therefore the Petitioner herein had approached this Court seeking direction for further investigation. It is the submission of the learned Additional Public Prosecutor that the Court had powers to summon document from the authorities concerned under Section 91 of Cr.P.C.

4. In the light of the submission made by the learned Additional Public Prosecutor the trial Judge is directed to pass order on the petition filed by the Prosecution. The Prosecution is directed to file appropriate petition before the trial Court seeking document (Wound certificate from Dr. Isas Hospital, Marthandam and summoning the Doctor concerned as a witness)

5. With the above direction, the Criminal Original Petition is disposed of.

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Internet: Yes/No
Index: Yes/no
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To

1. The Judicial Magistrate No.II, Padmanabapuram, Kanniyakumari
2. The Inspector of Police
Kulasekaram Police Station
Kanyakumari District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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