



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P(MD).No.19620 of 2018 and

Crl.M.P(MD).No. 8950 of 2018

The Assistant Registrar,
O/o. the Tamil Nadu Local Bodies Ombudsman,
No.100, Anna Salai,
Gunidy,
Chennai - 600 032.

... Petitioner

Vs.

C. Pandiaraj

... Respondent

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for records pertaining to the order passed in Crl.M.P.No.2374 of 2017 in Crl.M.P.No.663 of 2017, dated 29.06.2018 by the learned Judicial Magistrate No.II, Srivilliputur and set aside the same.

For Petitioner : Mr.D. Shanmugaraja Sethupathi

For Respondent : Mr. S. Muniyandi

O R D E R

This petition has been filed to set aside the order passed in Crl.M.P.No.2374 of 2017 in Crl.M.P.No.663 of 2017, dated 29.06.2018, by the learned Judicial Magistrate No.II, Srivilliputur, which was filed by the petitioner seeking exemption of the appearance of petitioner before the trial Court.

2. On the earlier occasion, it is seen that summon has been issued to the Assistant Registrar, Tamil Nadu Local Bodies Ombudsman, Chennai to produce certain documents and the documents were also produced on 27.07.2018, that objection was raised by the counsel for the complainant that the Chairman must be present before the Court. Later, summon has also been issued and that was challenged by the petitioner in Crl.M.P.No.2374 of 2017, which came to be dismissed since the summon has already been issued and that cannot be recalled. Challenging the same, the present petition is filed.

3. This Court is not in a position to understand the stand that was taken by the defacto complainant as well as the Court.

4. According to the learned counsel for the petitioner as well as the respondent, the documents were produced by the Registrar



of the Tamil Nadu Local Bodies Ombudsman before the trial Court on that date. But, those documents have not been received since the objection has been raised by the complainant. Now, the complainant wants the Chairman of the Ombudsman to be present before the Court for the purpose of producing the documents and give the evidence. The Chairman of the Ombudsman is in the cadre of the High Court Judge and equivalent. It appears that such objection has been raised by the Complainant which was also accepted by the trial Court. This event is nothing but unfortunate and so on the sole ground, the order has been passed by the learned Judicial Magistrate No.II, Srivilliputur, dated 29.06.2018 in Crl.M.P.No.2374 of 2017 in Crl.M.P.No.663 of 2017, is set aside. However, there is a direction to the Registrar, Ombudsman to produce the documents that have been summoned immediately, without awaiting for fresh summons to be issued by the concerned Court.

5. With the above observation and direction, this Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

1.The Judicial Magistrate No.II, Srivilliputur.

2.The Assistant Registrar,
O/o. the Tamil Nadu Local Bodies Ombudsman,
No.100, Anna Salai,
Gundiy, Chennai - 600 032.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-7875[F] dated 22/02/2022)

Crl.O.P(MD).No.19620 of 2018 and

Crl.M.P(MD).No. 8950 of 2018

18.02.2022

RD(21.03.2022) 2P 4C