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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.19092 of 2023 and
CrI.M.P.No.12782 of 2023

1) M/s.Aphro Trust
Rep. by Mr.I.P.Yesudoss
Having office at the then Address
No.27/49, 5th Main Road, 3rd Layout,
Teachers Colony, Kolathur,
Chennai – 600 099.

2) M/s.IPEE Foundation
Rep. by Mr.I.P.Yesudoss
Having office at the then Address
No.27/49, 5th Main Road, 3rd Layout,
Teachers Colony, Kolathur,
Chennai – 600 099.

3) Mr.I.P.Yesudoss

... Petitioners

Vs.

State Rep. by
The Superintendent of Police,
Economic Offences Wing-II (Hqrs),
Guindy,
Chennai.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 09.06.2023 passed in CrI.M.P.No.15815 of 2023



in C.C.No.7275 of 2019 on the file of the Chief Metropolitan Magistrate, Egmore and
pass such further or other orders.

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For Petitioners : Mr.I.P.Yesudoss (Party-in-Person)
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below in
Crl.M.P.No.15815 of 2023 dated 09.06.2023, dismissing the application filed by the
petitioner under Section 91 of Cr.P.C., wherein, the petitioner had sought for furnishing
certain documents from the concerned witnesses who have spoken about it during their
examination in court.

2.Heard Mr.I.P.Yesudoss, Party-in-Person appearing on behalf of the petitioners
and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the
respondent.

3.The application was filed by the petitioner under Section 91 of Cr.P.C., to issue
summons to certain witnesses and to direct them to produce necessary documents. The



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documents which were sought for by the petitioner pertains to the complaints that were given before the Superintendent of Police, Cuddalore by the so-called persons. The Court below while considering the same, has found that those complaints were not available and that apart, those complaints were recorded by way of Section 161 of Cr.P.C., statements and therefore, even if it is brought, the same cannot be marked in view of the bar under Section 162 of Cr.P.C. The Court below has sufficiently safeguarded the interest of the petitioner by stating that, if required, adverse interference can be taken for the non-production of those documents under Section 114(g) of the Evidence Act.

4.The order passed by the Court below does not suffer from any illegality or infirmity and it does not warrant the interference of this Court. In view of the above, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

23.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr



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N.ANAND VENKATESH, J

SSR

To

1. The Chief Metropolitan Magistrate,
Egmore
2. The Superintendent of Police,
Economic Offences Wing-II (Hqrs) ,
Guindy,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.19092 of 2023
and Crl.M.P.No.12782 of 2023

23.08.2023