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Crl.O.P.No.26978 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26978 of 2023

G.Sathiyamarayana
Petitioner

...

Vs.

The Inspector of Police,
N3, Muthiyalpet Police Station
Chennai- 01

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent to produce the original documents before the learned XV Additional City Civil Court, Chennai in O.S.No.619 of 2023 or to handover the petitioner in order to mark as Exhibits before the XV Additional City Civil Court, Chennai.

For Petitioner : Mr. P.Vijendran

For Respondents : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

Petitioner herein is the defacto complainant in Crime No.77 of 2022 registered by the respondent police based on the petition initiated under



Section 156(3) of Cr.P.C.

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2. The learned counsel for the petitioner submitted that, along with his complaint, he has filed original documents like Promissory note, Cheque and return memo and the same has been produced before the learned Judicial Magistrate as case property under Form 95. While so, when he sought for return of document from the Magistrate, his application returned. He needs his original document for the suit initiated by him before the learned XV Additional City Civil Court, Chennai in O.S.No.619 of 2023. His application before the learned XV Additional City Civil Court to call for records from the learned Judicial Magistrate Court as Order 13 Rule 10 is pending and no order passed so far. Therefore, present petition is filed under Section 482 of Cr.P.C for direction to the respondent police to produce the original documents before the learned XV Additional City Civil Court, Chennai in O.S.No.619 of 2023 or handover the petitioner in order to mark as Exhibits before the XV Additional City Civil Court, Chennai. This petition is filed on the premise that, the original document which the petition filed along with his private complaint is with the respondent police.



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3. The learned Government Advocate (Crl. Side) after perusing the CD file had informed this Court that, these documents been forwarded to Xth Metropolitan Magistrate, George Town, Chennai on 21.08.2023 under Form 91 and the same has been received by the Court in B.No.1256 of 2023.

4. In the light of the above, since this petition is filed under Section 482 of Cr.PC., to meet the ends of justice, this Court under the supervisory power directs the learned XV Additional City Civil Court to entertain the Interlocutory Application filed under Order 13 Rule 10 and seek for documents from XV Additional City Civil Court, Chennai and proceed with the trial in accordance with law.

5. With the above observations and directions, this Criminal Original Petition is disposed of.

07.12.2023

Index : Yes/No
Neutral Citation : Yes/No
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Dr.G.JAYACHANDRAN,J.

Sma

To:

1. XV Additional City Civil Court, Chennai.
2. The Inspector of Police,
N3, Muthiyalpet Police Station
Chennai- 01
3. The Public Prosecutor,
Madras High Court.

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