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Crl.O.P.No.27491 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.27491 of 2023

P.Krishnan

... Petitioner

-VS-

The Judicial Magistrate,
The Judicial Magistrate Court
at Pappireddipatti,
Pappireddipatti, Dharmapuri.

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the docket order passed in Copy Application No.225 of 2023 dated 30.10.2023 on the file of the Judicial Magistrate Court at Paapireddipatti.

For Petitioner : Mr.S.P.Vishnu Prasath

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

ORDER

The petitioner herein has preferred a private complaint under Section 156(3) of Cr.P.C before the learned Judicial Magistrate, Poppireddipatti. It appears that along with his private complaint, he has annexed 11 documents most of which are photo copies. The trial Court has returned the complaint,

<https://www.mhc.tn.gov.in/judis>



pointing out certain defects and same has been re-presented by the petitioner herein. It is alleged that the learned Judicial Magistrate has passed orders in the private complaint rejecting the same, but when Copy Application filed seeking copy of the order as well as certified copy of the documents relied by the petitioner, the same has been returned with endorsement that those documents are photo copies and certificate copy of the photo copy cannot be granted.

2. Alleging that the trial Court order of rejection of the private complaint not made known to the petitioner herein and therefore, the copy of the order also required. Further alleging that the rejection of Copy Application for the reason stated is also not legally sustainable.

3. The learned counsel appearing for the petitioner submitted that the learned Judicial Magistrate posted the matter for orders on 26.10.2023, but no order was passed on that day and the fate of the complaint whether returned, disposed or accepted not known.

4. The perusal of the Copy Application and the impugned docket order does not indicate that private complaint presented by the petitioner herein returned or rejected. The very vague Copy Application been made seeking for certificate copy of the photo copies of 11 documents which were described in the schedule to the complaint. All being photo copies, the the trial Court has rightly rejected the Application for the simple reason that the certificate copy of



the photo copy cannot be issued by the Court.

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5. If such practise is permitted, all fabricated documents and inadmissible documents will be filed in the Registry and even before the complaint or the petition is taken up on file, the certified copy from the Court will be obtained and that certificate copy will be misused, since apparently, the seal of the Court will give an impression that the genuineness of the document has been tested by the Court of law. This sort of practise to be curtailed and condemned. The trial Judge who had rejected the Application has to be appreciated for his right decision.

6. However, since even the learned counsel for the petitioner is not sure whether the complaint been taken on file or returned, it is the duty of the Magistrate to take a decision on the maintainability of the complaint and pass appropriate orders if he has not done so far. If he has already taken a decision, the complainant is entitled for a certificate copy of orders.

7. With this clarification, the petition is *disposed of*.

11.12.2023

Internet : Yes/No
Index : Yes/No
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Dr.G.JAYACHANDRAN, J.

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To

1.The Judicial Magistrate,
The Judicial Magistrate Court
at Pappireddipatti,
Pappireddipatti, Dharmapuri.

2.The Public Prosecutor,
Madras High Court, Madras.

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