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Crl.O.P.Nos.9802, 9804 & 9806 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.9802, 9804 & 9806 of 2024

and

Crl.M.P.Nos.6792, 6794 & 6796 of 2024

R.Karuppusamy

...Petitioner in all W.P.Nos.

-Vs-

State Represented by
Inspector of Police
CCIW, CID, Police Station
Coimbatore.

... Respondents in all W.P.Nos.

COMMON RAYER: Criminal Original Petitions filed under Section 482 Cr.P.C., to set aside the impugned order passed in Crl.M.P.Nos.28069, 28070 & 28071 of 2021 respectively in C.C.Nos.233, 234 & 236 of 2000 on the file of the learned Judicial Magistrate No.IV, Coimbatore dated 19.03.2024 and consequently to direct the respondent to produce all the delivery challan relied upon by him in the above Calender Case.



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For Petitioner in
all W.P.Nos. : Mr.P.Abhinav

For Respondent in
all W.P.Nos. : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner being aggrieved by the dismissal of the application filed under Section 91 of the Code of Criminal Procedure is before this Court. The proof of delivery will be reflected in the delivery challan. Therefore, the production of the delivery challan is required for trial and proving the innocence of the petitioner. The said petition was countered by the prosecution stating that the prosecution has marked as Ex.P15 to Ex.P24 as delivery challan. When those documents were marked in the year 2005, there was no objection raised by the accused.

2. The learned Government Advocate (Crl.Side) appearing for the respondent states that the case now is posted for further arguments after completion of examination of the witnesses.



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3. The impugned order passed by the learned Judicial Magistrate

No.IV, Coimbatore reveals that the prosecution has relied upon Ex.P15 to Ex.P24, which is described as proforma invoice. This has been relied by the prosecution for the purpose of delivery/none delivery of goods mentioned in the invoice. When these documents were marked, no objection raised by the accused. While so, the application under Section 91 of Cr.P.C., to produce documents to prove delivery is unsustainable and the same is not necessary for the decision of the case.

4. The learned counsel appearing for the petitioner submitted that in the cross examination of the witnesses, there is a reference about the invoice as well as delivery challan. Therefore, the proforma invoice cannot be substituted for a delivery challan. This Court on perusing Ex.P15 to Ex.P24 finds that in the documents marked as proforma invoice, there is a specific column for delivery challan number and date. The document captioned as proforma invoice also contain column for the delivery challan number and date. Ex.P15 to Ex.P24 does not contain details of the delivery challan number and date. Therefore, this Court is not inclined to entertain this petition. The trial Court shall examine Ex.P15 to Ex.P24 in proper perspective and arrive at a just



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conclusion.

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5. In view of the above, this Criminal Original Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed.

24.04.2024

Index : Yes/No.

Internet : Yes/No.

dna

To

1.The Judicial Magistrate No.IV, Coimbatore.

2.The Inspector of Police
CCIW, CID, Police Station
Coimbatore.

3.The Public Prosecutor
High Court, Madras.



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DR.G.JAYACHANDRAN.J,

dna

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