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Crl.OP.No.15665 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.15665 of 2024

J.Kalaiyaran

... Petitioner

Vs.

The State Rep by
Inspector of Police,
Sooramangalam Police Station,
Salem District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the docket order dated 10.06.2024 in C.A.No.4770 of 2024 in S.C.No.323 of 2023 on the file of the learned II Additional District Judge, Salem and consequently direct the learned II Additional District Judge, Salem to issue a certified copy of the available documents sought by the petitioner in CA.No.4770 of 2024 within a stipulated period.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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complied” in this case. Hence, copy application returned.

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4. The learned counsel appearing for the petitioner submits that serious fraud been committed on the Court while furnishing surety and the Judicial Magistrate has not tested /verified the sureties properly as contemplated under Rule 14 of Criminal Rules of Practice and therefore as the defacto complainant/victim is entitled to get copy of surety documents. However, both the Judicial Magistrate as well as Court of Sessions had failed to take note of the fact that the victim as defined under **Section 2(u)** of the Code is entitled to participate in the proceedings including bail/anticipatory bail and deprived the victim from getting the documents, which are necessary to ascertain whether the accused persons have furnished true and genuine sureties to avail pre arrest bail.

5. On perusing the records, this Court finds that the copy application though not speak about the purpose for which application is made in this criminal original petition the petitioner has explained why he need the copies of documents furnished along with surety memo. The 3rd party copy application should be entertained, if satisfactory reasons



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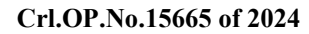
provided.

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6. In this case, the petitioner has filed copy application along with his affidavit before the II Additional District and Sessions Court, Salem. The Sessions Court has returned the application as if no surety memo available. This return is contrary to the docket order passed by the Judicial Magistrate on 27.04.2023.

7. In normal course, once the case is committed to the court of sessions, all material and immaterial records ought to be forwarded to the Court of Sessions. This Court presumes that the surety papers also should have been forwarded to the Court of Sessions. Therefore, it is suffice to direct the petitioner herein to re-present his affidavit and application before the Court of Sessions where the matter is pending as SC.No.323 of 2023. On presentation of the copy application, the same shall be dealt in accordance with Rule 2 (10) of Criminal Rule Practice and copies is furnished and collecting the necessary fee.

8. With this direction, this Criminal Original Petition is



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To

1. The Additional District Judge-II,
Salem
2. The Inspector of Police,
Sooramangalam Police Station,
Salem District.
2. The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.



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