



CrI.OP.No.22357 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.22357 of 2024

and

CrI.MP.No.12737 of 2024

1. M.Kumara Vadivel
2. K.Latha

.. Petitioners

Vs.

Sundaramurthy

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023 to set aside the order passed in C.M.P.No.13810 of 2022 in C.C.No.77 of 2020 dated 21.03.2024 on the file of the Judicial Magistrate No.1 at Erode as illegal and incompetent by allowing the present criminal original petition.

For Petitioner : Mr.Deepan Uday

ORDER



Crl.OP.No.22357 of 2024

WEB COPY This Criminal Original Petition is filed by the accused in C.C.No.77 of 2020 on the file of the learned Judicial Magistrate-I, Erode, being aggrieved by the order passed by the trial court allowing application under Section 91 of Cr.P.C for production of documents from the Electricity Board.

2. According to the petitioner, the complainant has filed the present application to fill up the lacuna is taken out up his application under Section 91 of Cr.P.C at the fag end of the trial.

3. The learned counsel appearing for the petitioner submits that on a private complaint given by the respondent herein, the learned Judicial Magistrate has taken cognizance of offences under Sections 120b and 465 of IPC as against these petitioners. The complaint is in respect of the alleged forgery committed by this petitioners while getting the electricity service transferred in their name. While preferring the complaint, necessary material not placed by the complainant to establish the alleged forgery, but after four years of taking cognizance of the complaint, the present application is filed for producing the original documents for



CrI.OP.No.22357 of 2024

transfer of service for the purpose of comparison. Such an attempt is nothing but after thought to fill up the lacuna.

4. Heard the learned counsel for the petitioner and records perused.

5. No doubt, it is a private complaint alleging fabrication of documents and conspiracy. The complaint initiated based on the right information collected under RTI Act. The original documents were never placed by the complainant to substantiate the allegation of forgery. However, when an application filed under Section 91 of Cr.P.C, the Judicial Magistrate has thought it fit that the production of document is necessary for proper decision and therefore has allowed the application under Section 91 of Cr.P.C for production of the original documents filed by the accused persons for transfer of service connection in the name of the complainant by forging his signature.

6. Since Court has felt that production of document is desirable for just conclusion. The said decision of the trial Court not being perverse or illegal. This Court finds no merits in this Criminal Original Petition to interfere in the order of the trial Court. Hence, this Criminal Original



CrI.OP.No.22357 of 2024

Petition stands dismissed. Consequently, the connected miscellaneous
petition is closed.

11.09.2024

Vv

To

1. The Judicial Magistrate-I Erode
2. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



WEB COPY



CrI.OP.No.22357 of 2024

Vv

CrI.OP.No.22357 of 2024

11.09.2024