

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
WADAKKANCHERY**

Present: Naseeb. A. Abdul Razak
Judicial First Class Magistrate, Wadakkanchery

Dated this the 17th Day of April, 2026

C.M.P. No. 01/2026 in RC. 218/23, CMP. No. 1027/2024

Petitioner/complainant : Sasindran, aged 66 years, S/o Raman,
Ottuparackal House, Chelakkara desom,
Chelakkara Village, Thalappilly Taluk.

(Repd. By Adv. Manoj Saimon)

Respondents/accused :1. Shaji, aged 52 years, S/o Vasu, Ottuparackal
House, Thonnurkkara desom, Chelakkara
Village, Thalappilly Taluk.
2. Sinu Das, aged 46 years, W/o Shaji,
Ottuparackal House, Thonnurkkara desom,
Chelakkara Village, Thalappilly Taluk.

This petition u/s. 91 of CrPC, by the counsel for the complainant and the court has today passed the following:-

ORDER

1. This petition by the defacto complainant seeks a direction for producing the document, which is an agreement between himself and the first respondent in the complaint for the purpose of this case on the ground that the said document is a forged one and for the purpose of adjudication of this petition the cross production of the said document is necessary.

2. The allegations and averments in this complaint are that the complainant was conducting a hotel at Chelakkara and the first accused joined in the said venture as a partner by depositing a portion deposit of ₹ 2,00,000 with the complainant, the

business was discontinued due to COVID-19 pandemic. At the time of depositing the above mentioned amount of ₹ 2,00,000, the first accused has procured some signed blank stamp papers and one signed blank white paper. The complainant has paid off the aforementioned entire amount of ₹ 2,00,000 to the first accused. But when the above mentioned signed blank papers were demanded by the complainant, the first accused/first respondent demanded interest at the rate of 18% per annum for the above mentioned amount of ₹ 2,00,000. When the complainant refused to heed to the demand of the first respondent, the first respondent forged documents on the above-mentioned signed blank papers and thereby created appointment letter, security deposit agreement etc and has instituted a complaint before this court, which was forwarded for investigation to the Chelakkara SHO. The Investigation officer, without conducting a proper investigation filed final report arraying the complainant herein as the accused in the said case and the same is pending before this court as CC No. 1116 of 2021.

3. Heard the learned counsel for the petitioner/complainant and perused the records.

4. It is to be noted that the complainant has not produced the disputed document/documents along with the complaint. What is sought to be was produced is the original document produced by the prosecution in the above mentioned CC No. 1116 of 2021. The point to be put forth by the complainant is that he wants to show that the said document is forged one. But for that purpose first of all he shall convince this court that the allegations has some substance to show that the prayer sought for in this petition is necessary to be allowed. The complainant should first of all satisfy this court that the ground put forth in this petition or the complainant are prima facie tenable. For that purpose the petitioner/the defacto complainant could have procured the certified copy of the document/documents concerned or the

accused copy of the documents since he is the accused in the said case. Without prima facie satisfying this court that there exists such a document and that the allegations raised in the complaint needs to be looked into with regard to the said documents has to be prima facie shot by the complainant. Therefore, I am of the considered view that the petitioner/the defacto complainant shall produce a copy of the document concerned by obtaining the same as per law and convince this court that the cross production of the original is necessary for the purpose of adjudication of for the purpose of deciding as to whether this complaint has tenable grounds and serious allegations prima facie or not. Once the petitioner satisfies the fact that the post-production of the original itself is necessary for taking a decision in this complaint, he would be at liberty to apply for the same. But only after satisfying the court, as above discussed that the same is necessary.

5. **In the result**, this petition is dismissed with liberty to the petitioner/defacto complainant to seek the very same relief after satisfying this court by producing the copy of the document that the cross production of the original document is necessary.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open Court this, the 17th Day of April, 2026.)

Sd/-
Judicial First Class Magistrate
Wadakkanchery

Judicial First Class Magistrate
Wadakkanchery

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