

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.6.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.521 of 2015

S.Durairaj

.. Petitioner /Defacto Complainant

Versus

1. The Inspector of Police  
All Women Police Station  
Arakkonam, Vellore District..1<sup>st</sup> Respondent/Complainant

2. Sudhakar

3. Subramani

4. Saroja

5. Suresh Babu

6. Gowrishankar ... 2 to 6 Respondents/Accused A1 to A5

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the order dated 04.3.2015 passed in CrI.M.P. No.3 of 2015 in S.C. No.105 of 2013 on the file of the learned Fast Track Mahila Court, Vellore.

For Petitioner : Mr. P.Krishnan

For Respondent : Mr. Mohammed Riyaz  
Government Advocate (CrI.side)

ORDER

By consent of counsel for both sides, the Criminal Revision Petition is taken up for final disposal.

2. The revision petition is filed by the petitioner / defacto complainant as against the dismissal of the petition filed under Section 230 of Cr.P.C. for production of additional document.

3. The first respondent police filed the charge sheet under Section 499 (A), 506(i) and 306 of IPC as against the accused. P.W.1, namely, father of the victim/ the petitioner herein, was partly chief examined. Whiles, the first respondent police, filed a petition under Section 230 of Cr.PC to permit them to mark the documents through P.W.1. Since the same was dismissed, the petitioner is before this Court.

4. According to the petitioner, certain documents, namely, copy of the complaint preferred by the deceased, Bills for purchase of sarees and appointment letter of the second respondent, were found by him in victim's bureau before the death ritual ceremony and after recording of 161(3) statement of victim's family. Due to the sudden

demise of the victim and under the influence of sadness, he could not handed over the documents to police. Therefore, petition has been filed under Section 230 of Cr.P.C. to permit to mark the documents through him. But the same has been rejected by the Court below.

5. The learned counsel for the petitioner submitted that the petition under Section 230 of Cr.P.C. has been dismissed only on the ground that the documents were not produced or received at the time of investigation and it was produced during the course of trial. According to the learned counsel, those documents are vital documents, where the deceased has given statement and, therefore, the Court below ought not to have rejected the same only based on the technical objection. The learned counsel further submitted that since the prosecution did not prefer a revision, as a complainant, the petitioner has preferred this revision.

6. The learned Government Advocate (Criminal side) submitted that trial has already been commenced. The learned Government Advocate further submitted that because the documents were not produced or received during the course of investigation and the said documents were produced by the complainant at a later point of time, the Court below has rightly dismissed the petition filed under Section 230 Cr.P.C. The learned Government Advocate (Criminal side) further pointed out that it is always open to the petitioner to seek for further investigation.

7. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal side) and perused the materials available on record.

8. As rightly pointed out by the Court below, the petition as such is not maintainable. However, it is the contention of the petitioner that one of the documents sought to be marked by the petitioner is a statement given by the deceased. When there is a dispute that it was not produced or received at the time of investigation, it is always open to the petitioner to seek further investigation and the petition as such is not maintainable.

9. Therefore, the Criminal Revision is dismissed. The petitioner is at liberty to seek further investigation, if he is so advised.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Sessions Judge, Magalir Neethi Mandram  
Fast Track Mahila Court, Vellore.

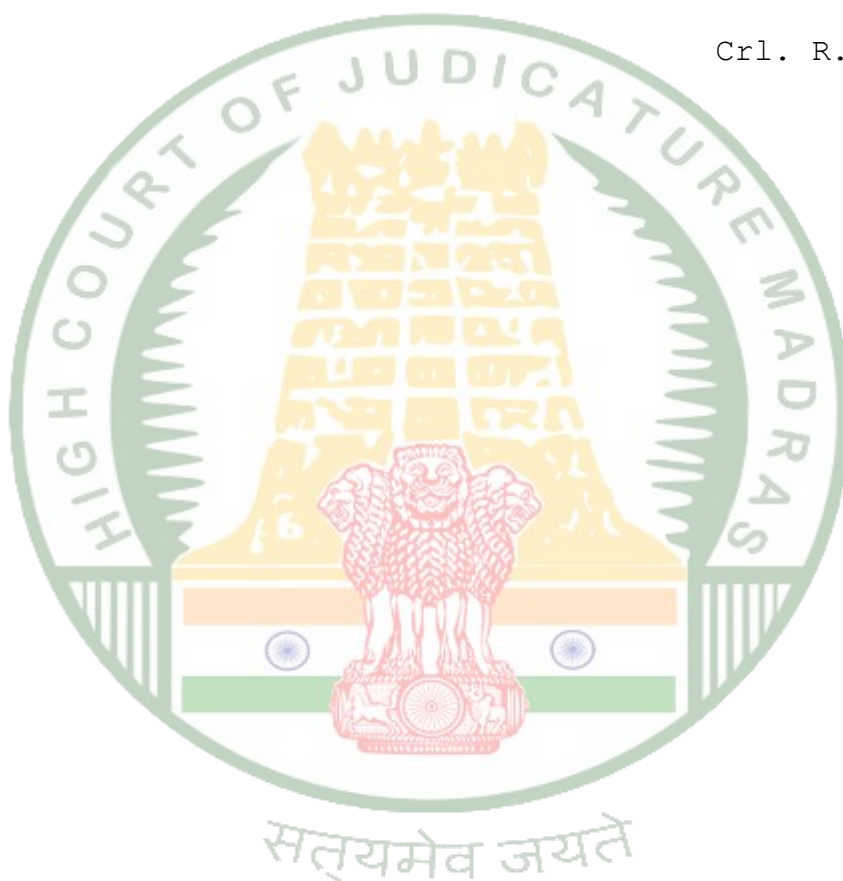
2.The Inspector of Police,  
All Women Police Station,  
Arakkonam, Vellore.

3.The Public Prosecutor,  
High Court,Madras.

+1 cc to Mr.P.Krishnan, Advocate,SR.26715.

Vr(co)  
krd 22/6

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