

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos.20513 & 20514 of 2015 and
M.P.Nos.1 of 2015 in

1.Baskaran
2.Ravi @ Ravichandran
3.Dhanalakshmi

..Petitioners in both Crl.O.Ps
(Accused 1,2 & 4)

Vs

The State rep. By
The Inspector of Police,
Ammamet Police Station,
Salem District
(Crime No.256/2007)

..Respondent in both Crl.O.Ps
(Complainant)

Prayer in Crl.O.P.No.20513 of 2015:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the learned 1st Additional District and Sessions Judge, Salem, Salem District in Crl.M.P.No.201/2014 in S.C.No.212/2008 dated 20.07.2015.

Prayer in Crl.O.P.No.20514 of 2015:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the learned 1st Additional District and Sessions Judge, Salem, Salem District in Crl.M.P.No.200/2014 in S.C.No.212/2008 dated 20.07.2015.

For Petitioner
in both Crl.O.Ps :Mr.E.Kannadasan

For R.1 :Mr.C.Emalias,
in both Crl.O.Ps Additional Public Prosecutor

COMMON ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2.The case of the prosecution is that, the first accused in this case had committed murder of one Rajeswari and had removed the jewellery and other ornaments from her and handed over the same to his mother Dhanalakshmi. Dhanalakshmi pledged the ornaments on 22.03.2007 with Salem District Central Co-operative Bank, Salem City.

3. During the course of investigation, the respondent police

came to know all these facts and collected the ornaments on 16.05.2007 from the said Bank through Krishnamurthy (L.W.25) who was Incharge of the said Bank.

4.Now, during the course of trial, the prosecution filed petitions under Sections 91 Cr.P.C., and 311 Cr.P.C., for summoning the records relating to the pledge of the ornaments with the Bank and for examining the Bank witnesses respectively, in order to prove the above facts.

5.After hearing both sides, the learned Sessions Judge allowed CrI.M.P.No.200 of 2014 (under Section 91 Cr.P.C.,) and CrI.M.P.No.212 of 2014 (under Section 311 Cr.P.C.,) by separate orders dated 20.07.2015. Challenging which the petitioners/accused are before this Court with these Criminal Original Petitions.

6.Mr.E.Kannadasan, learned counsel for the petitioners/accused submitted that the Police have already examined Krishnamurthy (L.W.25) and Ganesan (L.W.26) and therefore, there is no necessity for examining any further witness or for summoning any records and that, it is an attempt of the prosecution to fill up the lacuna.

7.It is seen that the Police have collected the ornaments on 16.05.2007 through Krishnamurthy (L.W.25) but, the records relating to the pledge was not collected obviously, because, the Bank will require those records as it will contain the pledge made by other customers.

8.Now, during trial, the prosecution has to prove that the jewels were in fact pledged by Dhanalkshmi with the said Bank and therefore, the records there from are necessary. It is seen that, this case is of the year 2007 and now, we are in the year 2015 and obviously, the staff members of the Bank who were there in the year 2007 may not be available now. Under such circumstances, the prosecution has rightly filed petitions in CrI.M.P.No.200/2014 (under Section 311 Cr.P.C.,) CrI.M.P.No.212 of 2014 (under Section 91 Cr.P.C.,) to summon the present officers of the Bank and to issue summons to other witnesses respectively, to prove those records which are maintained in the ordinary course of official business.

9.In the result, this Court finds no infirmity in the orders passed by the trial Court in CrI.M.P.Nos.200 & 212/2014 dated 20.07.2015 and accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The 1st Additional District and Sessions Judge,
Salem, Salem District.

2.The Inspector of Police,
Ammamet Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.E. Kannadasan, Advocate SR.42941

Crl.O.P.Nos.20513 & 20514 of 2015

KGK(CO)
EU 28.08.15



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