

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.27686 of 2015

Atul Paikane

... Petitioner

Vs.,

State by,
The Inspector of Police,
CB CID Metro,
Metro Wing,
Chennai-600 008.
(CCB Cr.No.209/2010,
under Section 420 r/w 34 IPC)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Trial Court to comply with the copy application made by the petitioner in M.P.(SR).No.7822 of 2015 (re-presentation in M.P.(SR).No.8414 of 2015) dated 22.09.2015 made in C.C.No.126 of 2015.

For Petitioner : Mr.Mr.N.Jothi, Senior Counsel
for Mr.T.R.Sundaram

For respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking to direct the learned Judicial Magistrate No.I, Chengalpattu, to comply with the copy application made by the petitioner in M.P.(SR).No.7822 of 2015 (re-presentation in M.P.(SR).No.8414 of 2015) dated 22.09.2015 made in C.C.No.126 of 2015.

2. The petitioner Atul Paikane is the 1st accused in the criminal case in C.C.No.126 of 2015 pending on the file of the learned Judicial Magistrate No.1, Chengalpattu. The present criminal original petition has been filed on behalf of the 2nd accused also, being the cousin brothers. It is stated by the petitioner that in the above said criminal case, summon was served on the petitioner on 01.08.2015 and the first hearing of the case was posted on 05.08.2015. On that date, the case was adjourned to 03.09.2015. Thereafter, the case was adjourned to 10.09.2015, 10.10.2015 and 02.12.2015. The prosecution has filed the chargesheet. In order to appreciate and formulate the

defence, on 04.09.2015 the petitioner applied for the grant of Certified Copies of the part of Chargesheet together with all documents. However, the petitioner's application was not processed by the trial Court. The Trial Court wanted the description of the documents. Hence, the same was complied with and the application was represented on 22.09.2015. However, the Copy Application was returned on 12.10.2015 by the Trial Court stating that "At this stage this Copy Application is not maintainable. Hence, Returned". Hence, the petitioner has come forward with the present petition before this Court.

3. The learned senior counsel appearing for the petitioner, by relying upon the judgment of the Full Bench of this Court reported in 1988 L.W.(Crl.) 503 [Selvanathan alias Raghavan Vs. State by Inspector of Police], submitted that since the chargesheet has already been filed and petitioner has appeared, he is entitled to get the copy of the chargesheet and other supported documents; that the reason assigned by the Court below for not furnishing the certified copy is not proper. Thus, he sought for a direction to the Court below.

4. Heard the learned Additional Public Prosecutor appearing for the respondent also.

5. Considering the facts and circumstances of the case, this Court passes the following order:-

The petitioner is directed to file fresh copy application before the Trial Court, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order. On receipt of such application, the Trial Court is directed to furnish the copies of the required documents.

With the above directions, this criminal original petition is disposed of.

ssv

Sd/-

Assistant Registrar (CS-V)

/True Copy/

Sub-Assistant Registrar

To,

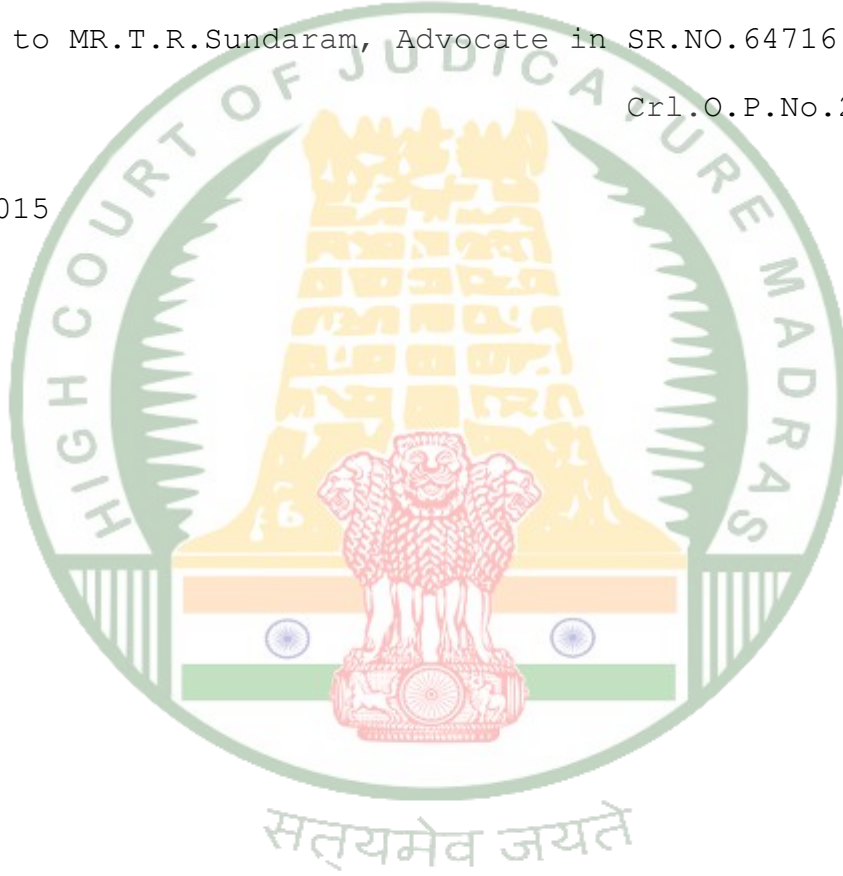
1. The Judicial Magistrate No.I,
Chengalpattu.
2. The Inspector of Police,
CB CID Metro,
Metro Wing,
Chennai-600 008.
3. The Public Prosecutor,
High Court, Madras.

+2 C.Cs to MR.T.R.Sundaram, Advocate in SR.NO.64716

Crl.O.P.No.27686 of 2015

PA(CO)

sd : 29/12/2015



WEB COPY