

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2015

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THE HONOURABLE MR.JUSTICE A.SELVAM

Crl.OP No.29137 of 2014

1. K.Baskar  
2. G.Anitha

.. Petitioners

Vs

State rep. by Inspector of Police,  
CBI/SPE/ACB, Chennai  
R.C.No.58A/2010

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the learned IX Additional Special Judge for CBI Cases, Chennai in Crl.M.P.No.3244 of 2014 dated 17<sup>th</sup> September, 2014 and direct the learned IX Additional Special Judge for CBI Cases, Chennai to call for the documents sought for by the petitioners in their petition filed under Section 91 Cr.P.C. in Crl.M.P.No.3244 of 2014 from Office of the 'Government of India, Ministry of Finance, Department of Revenue, Income Tax Department, Valuation Cell, No.611, Anna Salai, 5<sup>th</sup> Floor, Kannammai Building, Chennai-600 006.

For Petitioners :Mr.A.L.Somasundaram  
for M/s.Lakshmipriya Associates

For Respondent :Mr.K.Srinivasan,  
Special Public Prosecutor for CBI

ORDER

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, praying to set aside the order passed in Crl.M.P.No.3244 of 2014 dated 17.09.2014 by the IX Additional Special Judge for CBI Cases, Chennai.

2. It is averred in the petition filed in Crl.M.P.No.3244 of 2014 that the petitioners have been arrayed as accused Nos.1 and 2 in C.C.No.30 of 2011 pending on the file of the trial court. Further, it is stated in the petition that in the C.C.No.30 of 2011, on the side of the prosecution, P.W.31 has been examined and he filed Ex.P.88 Valuation Report wherein the documents mentioned in the present petition are referred to and under the said circumstances, the petitioners have filed the present petition under Section 91 of the Code of Criminal Procedure, 1973.

3. On the side of the respondent, a detailed counter has been filed wherein it has been contended to the effect that the documents mentioned in the petition are nothing, but, public documents and the petitioners can very well obtain copies of the same through some other methods and therefore, the petitioners are not entitled to invoke Section 91 of the Code of Criminal Procedure, 1973 and under the said circumstances, the petition deserves to be dismissed.

4. On the basis of the rival submissions made on either side, the court below has dismissed the petition by way of stating that the petitioners can very well obtain certified copies of those documents through some other methods. Against the order passed by the court below, the present Criminal Original Petition has been preferred at the instance of the petitioners.

5. The learned Counsel appearing for the petitioners has sparingly contended that in Ex.P.88, the document mentioned in the present petition are referred to and under the said circumstances, the present petition has been filed for getting the relief sought for therein. But the court below has erroneously dismissed the same and therefore, the order passed by the court below is liable to be set aside.

6. The learned Special Public Prosecutor appearing for the respondent has contended that the documents mentioned in the petition are nothing, but, public documents and the petitioners can very well obtain certified copies of the same by way of adopting various methods and therefore, the court below has rightly dismissed the petition.

7. On the basis of the rival submissions made on either side, the Court can very well deduce that the documents mentioned in the petition-in-question are nothing, but, public documents and further in Ex.P.88, the documents mentioned in the petition are referred to.

8. Under such circumstances, the present petition has been filed under Section 91 of the Code of Criminal Procedure, 1973.

9. Considering the fact that in Ex.P.88, the documents mentioned in the petition are referred to and also considering that those documents are public documents, the Court can very well send for the same by way of invoking Section 91 of the Code of Criminal Procedure, 1973. The reason given by the court below for dismissing the petition filed under Section 91 of Code of Criminal Procedure, 1973, cannot be accepted and therefore, the order passed by the court below is liable to be set aside.

In fine, this Criminal Original Petition is allowed. The order passed in CrI.M.P.No.3244 of 2014 in C.C.No.30 of 2011 by the IX Additional Sessions Judge for CBI Cases, Chennai, is set aside and

the petition filed in Crl.M.P.No.3244 of 2014 is allowed and the court below is directed to follow usual procedure.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The IX Addl.Special Judge for CBI Cases,  
Chennai.

2.The Inspector of Police,  
CBI/SPE/ACB, Chennai

3.The Public Prosecutor,  
High Court, Madras.

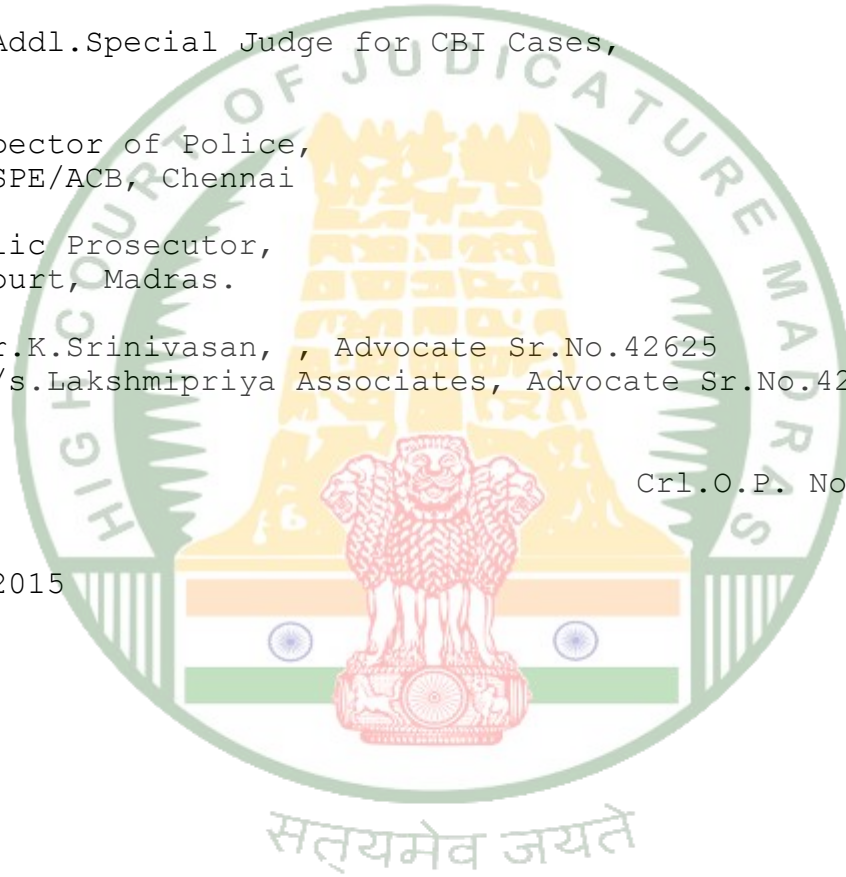
1 cc to Mr.K.Srinivasan, , Advocate Sr.No.42625

1 cc to M/s.Lakshmipriya Associates, Advocate Sr.No.42685

Crl.O.P. No.29137 of 2014

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pmk.31.8.2015



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