



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

CRL.O.P.(MD)No.6142 of 2015

and

M.P.(MD)No.1 of 2015

Arjunan

... Petitioner/Accused No.1

vs.

State represented by

The Deputy Superintendent of Police,

CBCID, Madurai Zone,

Madurai.

(In Cr.No.446/2012

on the file of the

Sivagangai Taluk Police Station)

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Cr.M.P.No.48 of 2015, dated 27.01.2014 in S.C.No.72 of 2013 on the file of the Sessions Judge, Sivagangai.

For Petitioner : Mr.R.Venkateswaran

For Respondent : Mr.K.Anbarasan

Government Advocate

ORDER

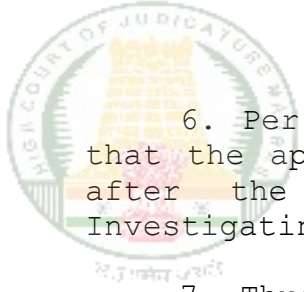
This Criminal Original Petition is filed praying to set aside the order passed in Cr.M.P.No.48 of 2015, dated 27.01.2014 in S.C.No.72 of 2013 on the file of the Sessions Judge, Sivagangai.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

3. The petitioner is arrayed as A.1 in Cr.No.446 of 2012, thereafter taken on file in S.C.No.72 of 2013, on the file of the Sessions Court, Sivagangai. This Court has fixed a time limit for conclusion of the trial on few other earlier occasions. Even today, an order has been passed by this Court, extending the time limit finally for a period of three months.

4. In the month of January 2015, the petitioner filed an application seeking a direction to the respondent to produce certain documents in the nature of entries in the general diary recorded by the Investigation Officer. The application was opposed. The Court below dismissed the application on two grounds. The first ground was one of delay and the deliberate nature on the part of the petitioner. The second ground was that the petitioner has not assigned any reason seeking the production of the document.

5. The learned Counsel for the petitioner submitted that there is no bar in law in allowing the application filed. Therefore, the application ought to be allowed.



6. Per contra, the learned Government Advocate (Crl.Side) submitted that the application filed is an abuse of process of law and that too, after the entire evidence is over, except the examination of Investigating Officer, which is on the cross-examination stage.

7. Thus, this Court does not find any merits in this petition. The case is pending in the year 2012 onwards. The petitioner has not taken any fruitful effort to file the said application at the earlier point of time. As rightly found by the trial Court, no reason has been assigned for production of document. The application has been filed after time limit fixed by this Court. Therefore, the Criminal Original Petition is dismissed consequently, the connected M.P's is also dismissed.

Sd/

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Sessions Judge, Sivagangai
2. The Deputy Superintendent of Police,
CBCID, Madurai Zone,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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CRL.O.P. (MD) No. 6142 of 205
and
M.P. (MD) No. 1 of 2015
07.04.2015