

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.12645 of 2016
and Crl.M.P.Nos.6543, 6544 of 2016

1.V.Pandian
2.S.Geetha
3.M.Sankar

... Petitioners

Vs.

State rep by
The Inspector of Police,
T-2, Ambattur Estate Police Station,
Chennai. ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order passed in C.M.P.No.2201 of 2016 in C.C.No.64 of 2016 dated 08.06.2016 on the file of the Judicial Magistrate, Ambattur by allowing the present criminal original petition.

For Petitioners : Mr.MA.P.Thangavel
For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to set aside the order dated 08.06.2016 made in C.M.P.No.2201 of 2016 in C.C.No.64 of 2016 passed by the learned Judicial Magistrate, Ambattur.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. The petitioners are facing prosecution before the learned Judicial Magistrate, Ambattur in C.C.No.64 of 2016 for offences under Section 420, 468, 471 and 506[ii] IPC. It is the grievance of the petitioners that they were not served with sufficient documents that were relied upon by the prosecution under Section 207 Cr.P.C.

4. This Court called for a report from the learned Judicial Magistrate, Ambattur, wherein, it is stated as follows:

"I humbly submit that on perusal, I found that the items 8, 9, 10, 11 mentioned in the list of the documents by the Police with the final report, are kept as the property items. The delivery chalan and bills are

voluminous. I further found that all the documents listed had been submitted in the court and all the documents are legible."

5. Learned Magistrate has also sent a copy of the documents relied on by the prosecution, which bears the signature of the petitioners/accused herein for having received the same. From the report sent by the learned Magistrate, it is seen that item Nos.8, 9, 10 and 11 of the list of documents are kept in safe custody of the Court for security reasons, so that it is not tampered by any party. However, the petitioner has got right of inspection of those documents under Section 207 Cr.P.C., in the presence of an officer of the Court. Therefore, the petitioners are at liberty to file an application before the learned Magistrate for inspection of documents by his counsel, on a date and time fixed by the learned Magistrate. One of the accused can also accompany the counsel, during the inspection.

6. This Court has served on the learned counsel for the petitioners, the list of documents and the memo of evidence filed along with the charge sheet.

7. It is the grievance of the petitioners that the Court has not served the copies of 161 statements of N.Veerapandian-LW8, M.Sundaresan-LW10, M.V.Manoharan-LW11 and Pugazhendi-LW12.

8. This Court perused the Case Diary and found that the respondent police have recorded the 161 statement of N.Veerapandian-LW8 and therefore, the trial Court is directed to furnish a copy of his statement to each of the accused. As regards LW10, LW11 and LW12, they are police officials, whose statements have not been recorded.

9. It is the contention of the learned counsel for the petitioners that he has not been furnished with the documents relied upon by the police, which have been given in the list. As stated above, some of the documents are kept in the safe custody and the petitioner will have only a right of inspection. As regards the other documents, the trial Court is directed to furnish copies of the same, provided they are not voluminous in nature.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Judicial Magistrate,
Tiruvottiyur.

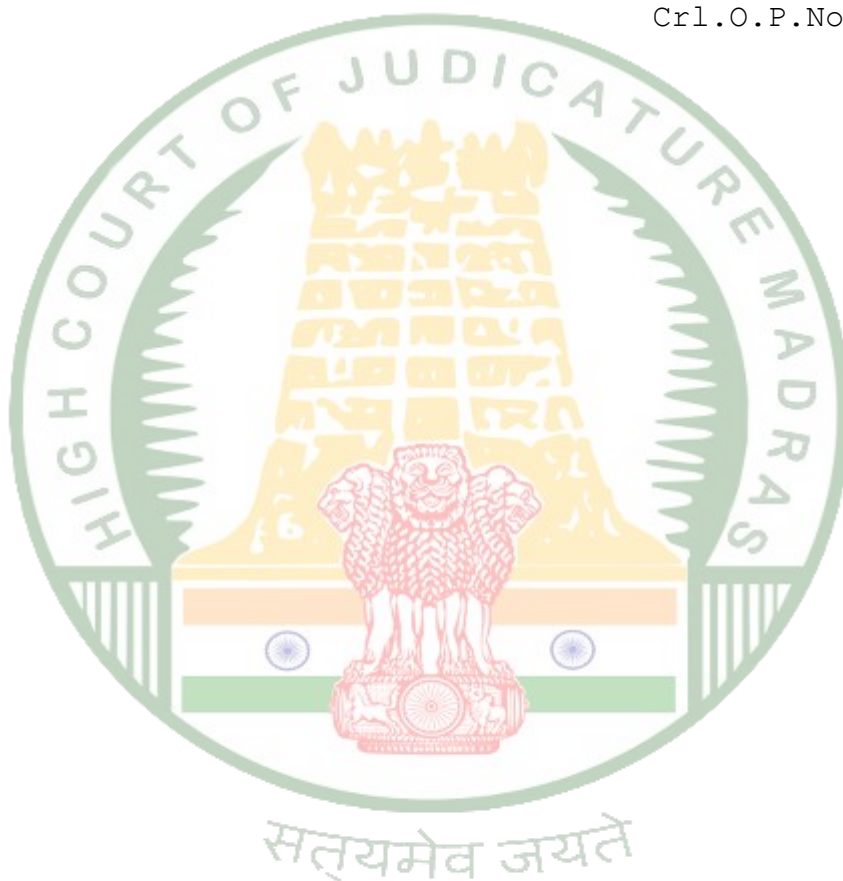
2.The Inspector of Police,
M-2, Madhavaram Milk Colony Police Station,
Madhavaram, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.P.Thangavel, Advocate,sr.36964.

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krd 21/7

Cr1.O.P.No.12645 of 2016



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