

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1218 of 2016

and

Crl.M.P.No.10905 of 2016

1.Muralidharan
S/o.Subramaniam

2.K.R.Sridharan
S/o.K.M.Rajamani

.. Petitioners

vs.

State by
Deputy Superintendent of Police,
Economic Offence Wing II,
Egmore, Chennai.
Crime No.383 of 1998

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Chief Metropolitan Magistrate, Allikulam, Chennai, passed in Crl.M.P.No.4721 of 2011 in C.C.No.5099 of 2009 on 17.09.2016.

For Petitioners : Mr.N.R.Elango, senior counsel
for Mr.K.R.Ramesh Kumar

For Respondent : Mr.K.Madhan
Government Advocate [Crl.side]

W E B C O P Y
O R D E R

This revision arises against the order of learned Chief Metropolitan Magistrate, Allikulam, Chennai, passed in Crl.M.P.No.4721 of 2011 in C.C.No.5099 of 2009 on 17.09.2016.

2. Petitioners/A4 and A7 face trial in C.C.No.5099 of 2009 on the file of learned Chief Metropolitan Magistrate, Allikulam, Chennai, for offences u/s.120-B, 420 and 409 IPC. Contending that on perusal of the charge sheet, petitioners found certain

documents relied upon by the prosecution had not been furnished to the accused and that some of the statements furnished were illegible, petitioners sought directions for copies of those documents. On consideration of rival submissions, the Court below has ordered as follows:

"8. This case is pending from the year 2009 without any progress only because of the unwarranted petitions like this petition filed by the petitioners. Though this Court has directed the learned counsel appearing for the petitioners to very well peruse the records after getting permission from this Court before commencing the trial, the learned counsel appearing for the petitioners was stick on to his stand in arguing this petition. As this case is pending for over 7 years, it is to be disposed of as early as possible as per the direction of the Honourable High Court. Without co-operating for the early disposal of the case, the petitioners were stick on to arguing this petition though provision of Section 207 of Cr.P.C. was highlighted by this Court. Considering the above stated circumstances and in the interest of justice, this Court finds that this petition is liable to be dismissed and the point is decided accordingly."

Aggrieved, the petitioners have preferred this revision.

3. Heard learned senior counsel for petitioners and learned Government Advocate [Crl.side].

4. It has been impressed upon this Court by learned senior counsel for petitioners that having copies of documents relied upon by the prosecution is a right vested in the accused.

5. Learned Government Advocate has taken instructions and fairly submits that there may be a direction for furnishing of documents.

6. This Court directs learned Chief Metropolitan Magistrate, Allikulam, Chennai, to furnish copies of documents mentioned in Crl.M.P.No.4721 of 2011 in C.C.No.5099 of 2009 to petitioners.

The Criminal Revision Case is disposed of with the above direction. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1.The Chief Metropolitan Magistrate,
Allikulam, Complex
Chennai.

2.The Deputy Superintendent of Police,
Economic Offence Wing II,
Egmore, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.R. Ramesh Kumar, Advocate, S.R.No.64361

rsk(CO)
md(10/02/2017)

Cr1.R.C.No.1218 of 2016

सत्यमेव जयते

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