

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 20.07.2016
Orders delivered on : 22.07.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.R.C.No.622 of 2016

Mahendra Singh Ranka

... Petitioner

Vs.,

State by;

The Deputy Superintendent of Police,
Crime Branch, CID,
OCU-II, Egmore,
Chennai-600 008.

... Respondent

Prayer: Criminal Revision Case has been filed under Section 397 r/w 401 of the Criminal Procedure Code, praying to call for the records and to set aside the order passed by the Special Court for the cases under Prevention of Corruption Act, Chennai, in Crl.M.P.No.1685 of 2015 in C.C.No.9 of 2015, dated 11.01.2016, and to direct the respondent to furnish the translated Hindi Version of the statement of witnesses and the documents in Tamil relied on by the respondent.

For Petitioner : Mr.J.Asokan

For Respondent : Mr.P.Govindarajan, APP

ORDER

This Revision has been filed as against the order dated 11.01.2016 in Crl.M.P.No.1685 of 2015 in C.C.No.9 of 2015 passed by the learned Special Judge for cases under Prevention of Corruption Act, Chennai, whereby the petition filed by the petitioner under Section 207 of Cr.P.C., seeking to direct the respondent to furnish Hindi version of the statements of the witnesses and the documents in Tamil, relied on by the respondent, was dismissed.

2.The petitioner herein is the 1st accused in the criminal case in C.C.No.9 of 2015 pending on the file of the learned Special Judge for cases under Prevention of Corruption Act, Chennai and he has been charged with the offences under Sections 384, 420, 506(i) and 120-B IPC r/w 34 IPC and Sections 8, 13(1)(d) r/w 13(2) of Prevention of Corruption Act.

3. According to the petitioner, he has been falsely implicated in the said case. The respondent-Police has furnished copies of Chargesheet and the documents, consisting of 1250 pages, containing statements of witnesses and documents relating to medical evidence, recovery etc. and the said documents are in English and Tamil. Though the petitioner has little knowledge of Tamil by virtue of his stay in Tamil Nadu, he does not know to read and write in Tamil as well as English. Hence, he filed the petition under Section 207 of Cr.P.C, before the Trial Court for translated copies of the documents; but, the said petition was dismissed by the Court below. Aggrieved over the same, the petitioner has come forward with the present revision before this Court.

4. When the matter was taken up for consideration, the learned counsel for the petitioner made a detailed submission, advertng to the contentions made in the affidavit. Further, the learned counsel for the petitioner, by relying upon the judgment delivered by the Hon'ble Supreme Court in the case of Jahid Shaikh Vs. State of Gujarat (2011) 7 SCC 762, submitted that the accused is entitled for translated copies of the documents relied upon by the prosecution.

5. Opposing the prayer of the petitioner, the learned Additional Public Prosecutor, by filing a detailed counter, contended that the petitioner/A1 in his confession statement had stated that he is residing in Chennai for many years and he knows to read Tamil and can understand Tamil. The petitioner/A1 had signed in English in Seizure Mahazars; hence, the averment of the petitioner that the petitioner/A1 does not know Tamil and English is not true. Further, the proviso to Section 207 of Cr.P.C. does not say that the accused is entitled to be furnished with the copies of the records translated in Tamil or in any other language. Further, the Trial Court has observed in the impugned order that the petitioner has engaged a counsel, who is conversant in Tamil and English, and that even the petitioner's counsel has filed the petition in English; hence, the petitioner's counsel can very well explain the contents of documents to the petitioner; the petitioner need not apprehend that furnishing of copies of the records in English/Tamil would prejudice him. Thus, the learned Additional Public Prosecutor sought for dismissal of the Revision.

6. Heard both sides and perused the materials available on record.

7. It is the submission of the learned counsel for the petitioner that though the petitioner has little knowledge of Tamil by virtue of his stay in Tamil Nadu, he does not know to read and write in Tamil as well as English. Further, the learned counsel for the petitioner, by relying upon the judgment delivered by the Hon'ble Supreme Court in the case of Jahid Shaikh Vs. State of Gujarat (2011) 7 SCC 762, submitted

that the accused is entitled for translated copies of the documents relied upon by the prosecution. But, a perusal of the said judgment would show that the said judgment was delivered only in a Transfer Petition for transferring a case relating to the series of bomb blasts that occurred in 2008 all over the country in major cities in India, to outside Gujarat State. Considering the factual aspects of that case, the Hon'ble Supreme Court had observed in that judgment that most of the accused persons in that case were from outside the State of Gujarat and were not in a position to understand the documents relied upon by the Police authorities as they were in Gujarati which most of the accused were unable to comprehend.

8. But, considering the factual aspects of the case on hand, the observations made in the above cited judgment by the Hon'ble Supreme Court, cannot be made applicable to the present facts of the case. As rightly observed by the Trial Court, Section 207 of Cr.P.C. does not contemplate furnishing of copies of the documents to the accused. Moreover, in the present case, the petitioner/A1 had himself stated in his confession statement that by virtue of his stay in Chennai for long time, he is having little knowledge in Tamil. Moreover, he had signed the statements only in English and his counsel is also well versed in English and Tamil. Considering all these aspects, I am of the opinion that as contended by the learned Additional Public Prosecution, it is clear that only to drag on the proceedings, the petitioner has filed the petition under Section 207 of Cr.P.C. The Trial Court has rightly dismissed petition filed by the petitioner. Hence, absolutely there is no ground made out by the petitioner, warranting this Court to interfere with the impugned order passed by the Trial Court. The Revision is liable to be dismissed.

In fine, the Criminal Revision Case is dismissed.

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Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

SSV

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To,

1.The Special Judge for the cases
under Prevention of Corruption Act,
Chennai.

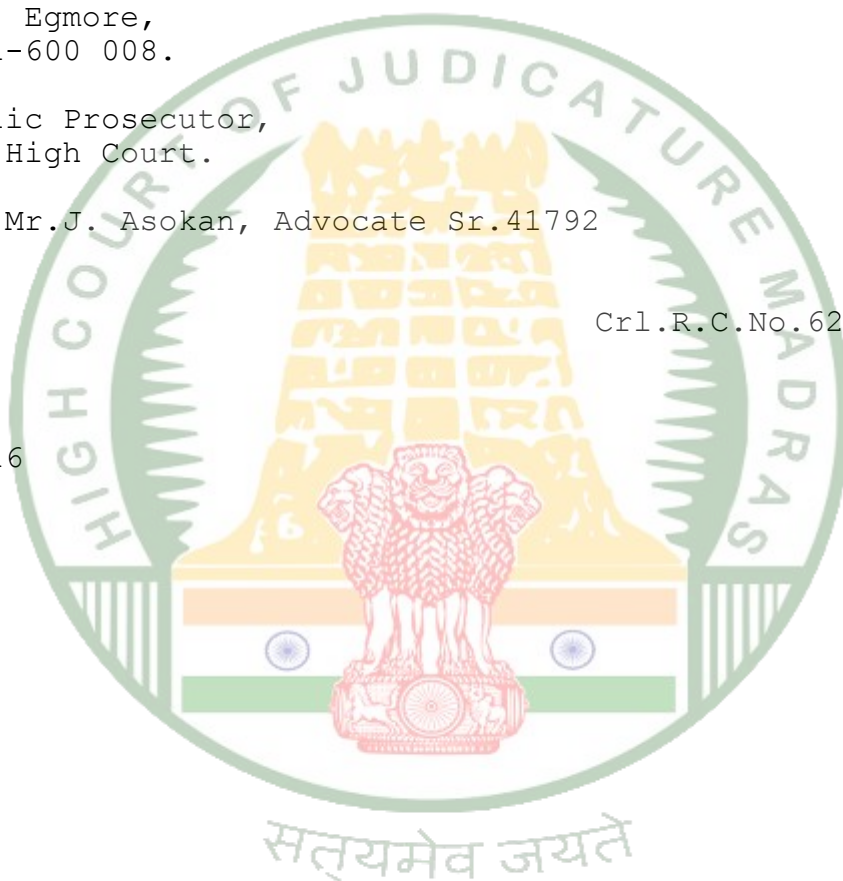
2.The Deputy Superintendent of Police,
Crime Branch, CID,
OCU-II, Egmore,
Chennai-600 008.

3.The Public Prosecutor,
Madras High Court.

+ 1 cc to Mr.J. Asokan, Advocate Sr.41792

Cr1.R.C.No.622 of 2016

PA(CO)
Eu 08.08.16



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