

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.808 of 2016

A.Muthumalai
S/o.M.Arunachalam .. Petitioner

vs.

State by
Inspector of Police,
District Crime Branch,
Kancheepuram District.
Crime No.66 of 2013 ... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of learned Judicial Magistrate II,
Chengalpattu, passed in Crl.M.P.No.2360 of 2015 in C.C.No.118 of
2015 on 23.02.2016.

For Petitioner : Mr.N.R.Elango, senior counsel
for Mr.K.R.Ramesh Kumar
For Respondent : Mr.K.Madhan
Government Advocate [Crl.side]

O R D E R

This revision arises against the order of learned Judicial
Magistrate II, Chengalpattu, passed in Crl.M.P.No.2360 of 2015
in C.C.No.118 of 2015 on 23.02.2016.

2. Petitioner faces trial in C.C.No.118 of 2015 on the file
of learned Judicial Magistrate II, Chengalpattu, for offences
u/s.406, 468, 471, 477-A and 420 IPC. Contending that on perusal
of the charge sheet, petitioner found certain documents relied
upon by the prosecution had not been furnished to the accused
and that some of the statements furnished were illegible,
petitioner sought directions for copies of documents listed 1 to
47 in such petition. On consideration of rival submissions, the

Court below has ordered as follows:

"The above said copies from serial No:1-27 are all registers and voluminous. The above said required documents contain 5650 pages. Moreover all the said documents (1-27) are all registers. It is not practically possible to furnish the said documents. Hence, the petitioner is directed to inspect the said documents either personally or through pleader. The other copies of documents from serial No:28-39 and documents in serial no:42-44, shall be gotten if really required to conduct the case on payment of necessary court fees. The documents in serial no:40 & 41 are hard discs, and it is not possible to furnish copy of it. Hence, the petitioner is directed to inspect it in the court either personally or through pleader. The documents in serial no: 45 - 48 are asked for, as reason stating illegible documents. The said documents which are available in the record are already furnished to the petitioner. If the said documents in serial no: 45 - 48 are required, it can be obtained by the petitioner on payment of necessary court fees."

Aggrieved, the petitioner has preferred this revision.

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

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

5. Learned Government Advocate [Crl.side] has taken instructions and fairly submits that there may be a direction for furnishing of documents. Learned Government Advocate submits that the documents/ exhibits 39 and 40 being hard disks, copies thereof cannot be issued.

6. This Court directs learned Judicial Magistrate II, Chengalpattu, to furnish copies of documents listed 1 to 38 and 41 to 47 Crl.M.P.No.2360 of 2015 in C.C.No.118 of 2015 to petitioner. Further, the petitioner shall be permitted to inspect the hard disks/exhibits 39 and 40 in keeping with section 207 Cr.P.C. It is also made clear that if any print out/extracts are derived from hard disks/exhibits 39 and 40, the petitioner/accused shall be entitled to copies thereof.

The Criminal Revision Case is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1.The Judicial Magistrate II,
Chengalpattu.

2.The Inspector of Police,
District Crime Branch,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.R. Ramesh Kumar, Advocate, S.R.No.69360

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

Crl.R.C.No.808 of 2016

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