

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4205 of 2016
&Crl.M.P.Nos.2187 and 2188 of 2016

Kumar Subhrangsu

.. Petitioner/Accused

Vs.

State rep. by Inspector of Police
Kalpakkam police station
Kancheepuram District.
Crime No.6/2013

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order passed by the learned Principal Sessions Judge, Chengalpattu, Kancheepuram District, in Crl.M.P.No.2072/2015 in S.C.No.289/2014, dated 06.01.2016.

For Petitioner :Mr.V.Parthiban for Mr.E.Kannadasan
For Respondent :Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the order dated 06.01.2016 made in Crl.M.P.No.2072/2015 in S.C.No.289/2014, on the file of the learned Principal Sessions Judge, Chengalpattu.

2.Learned counsel for the petitioner submits that the petitioner, who hails from Uttar Pradesh, was working at Kalpakkam. He has been facing criminal case for the offences under Sections 509, 506(i) IPC read with Section 4(1) of Tamil Nadu Prohibition of Women Harassment Act and Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act. The petitioner does not know to speak, read and write in Tamil and hence, he has filed a petition in Crl.M.P.No.2072 of 2015 for furnishing translated copies of 161 Cr.P.C. statements, charge sheet, complaint and F.I.R. either in English or in Hindi. The trial Court, after considering the arguments advanced by both sides, dismissed the petition stating that even though the petitioner does not know Tamil, he can be assisted by his Advocate to defend his case. So there is no necessity for giving English translated copies of all the documents. To substantiate his arguments, he relied upon

the decision reported in (2014) 1 MLJ (Cr1) 19 (K.Ramajeyam v. State rep. by Inspector of Police, T.4, Maduravoyal police station, Thiruvallore District) and (2012) 9 SCC 771 (V.K.Sasikala v. State represented by Superintendent of Police) and submits for better appreciation and understanding, English translation copies for the documents are necessary. That factum was not considered by the trial Court. Hence, he prays for allowing the petition.

3.Resisting the same, learned Additional Public Prosecutor submits that the petitioner was working as a Chief Superintendent in Atomic Power Station, Kalpakkam and he had been working there for the past fifteen years, along with the people, who speak Tamil. The trial Court, after considering all the aspects, has rightly dismissed the petition. Hence, he prays for dismissal of this petition.

4.Considered the rival submissions made on both sides and perused the materials available on record.

5.Now it is appropriate to consider the decision reported in (2014) 1 MLJ (Cr1) 19 (K.Ramajeyam v. State rep. by Inspector of Police, T.4, Maduravoyal police station, Thiruvallore District), in which, it was held that as per Section 207 Cr.P.C., the accused is entitled to get copies of all the papers. But the above decision is not applicable to the facts of the present case. In the case on hand, admittedly, all the documents have furnished to the petitioner under Section 207 Cr.P.C. Now the petitioner has filed the application for furnishing translated copies of the documents either in English or Hindi.

6.As per the decision of the Honourable Apex Court reported in (2012) 9 SCC 771 (V.K.Sasikala v. State represented by Superintendent of Police), it is not necessary that the document has to be furnished to the accused in a language known to him. At the time of 313 Cr.P.C. questioning alone, the accused must be properly explained about the incriminating evidence against him and liberty has given to putforth his defence. No where it was stated that 161 Cr.P.C. statements, F.I.R., observation mahaar have to be given to the accused in the language known to him.

7.Considering the aforestated circumstances of the case, the language of the Courts in Tamil Nadu is Tamil and judgments can be pronounced in Tamil. Furthermore, evidence is also recorded in Tamil. It is pertinent to note that the petitioner had been working in Tamil Nadu for the past fifteen years along with Tamil speaking people. Admittedly, the complaint has given by a lady, who was working under the petitioner/accused and she belongs to the depressed class. The petitioner has committed the

offence under the provisions of Women Harassment Act. Under such circumstances, the trial Court has considered all the aspects in proper perspective and dismissed the application. So I do not find any merits in the petition. In my view, the petitioner has come forward with this petition only with a view to drag on the proceedings and that the petition is vexatious, which amounts to abuse of process of the Court. Therefore, the Criminal original Petition deserves to be dismissed and it is hereby dismissed with costs.

8.In the result, the Criminal Original Petition stands dismissed with costs. The petitioner is directed to donate one bag of rice to Sivananda Gurukulam, Orphanage Home, Kaatankulathur. Further, the learned Principal Sessions Judge, Chengalpattu, is directed to dispose of S.C.No.289 of 2014 within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.
kj

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

- 1.The Principal Sessions Judge,
Chengalpattu.
 - 2.Inspector of Police
Kalpakkam police station
Kancheepuram District.
 - 3.The Public Prosecutor
High Court, Chennai.
- + 1 cc to M/s.E.Kannadasan, Advocate SR 12344

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