



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.3291 of 2016

M.Anbuchelvan

... Petitioner

-vs-

State represented by
The Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District

... Respondent/Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to set aside the docketal order passed by the learned Judicial Magistrate No.II, Dindigul, dated 04.01.2016 in C.A.No.15767, 1020 of 2015 dated 22.12.2015 in Cr.No.364 of 2015 on the file of the respondent police dated 09.10.2015 by accepting the same and to furnish the certified copies of documents as per the request made in the copy application.

For Petitioner : Mr.A.Saravanan
For Respondent : Mrs.S.Prabha
Government Advocate (Crl. side)

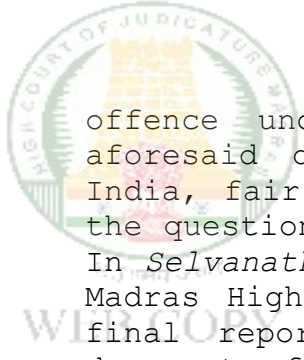
O R D E R

This petition has been filed seeking to set aside the docketal order passed by the learned Judicial Magistrate No.II, Dindigul, dated 04.01.2016 in C.A.No.15767, 1020 of 2015 dated 22.12.2015 in Cr.No.364 of 2015 on the file of the respondent police dated 09.10.2015 by accepting the same and to furnish the certified copies of documents as per the request made in the copy application.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3. During the course of pendency of investigation, the petitioners made an application before the Judicial Magistrate for the copies of arrest card, confession statement, mahazar, 161 statements that were recorded by the police. The learned Magistrate has returned the copy application by saying that since the matter is under investigation, the documents cannot be furnished. Challenging the docket order, this petition has been filed.

4. The learned counsel for the petitioner relied upon the judgment in *Superintendent and Remembrancer of Legal Affairs, West Bengal v. Satyen Bhowmick and others* reported in AIR 1981 SC 917, wherein, the Supreme Court has stated that an accused in a criminal case is entitled to all the documents that are relied upon by the prosecution, even for an



offence under Official Secrets Act. There is no quarrel with the aforesaid decision, because under Article 21 of the Constitution of India, fair trial is a right that cannot be denied to the accused. But the question is the stage under which, the documents should be furnished. In *Selvanathan v. State* reported in 1988 LW(Cri) 503, a Full Bench of the Madras High Court, has considered all these aspects and held that till final report is filed, the accused will not be entitled to these documents for maintaining the secrecy of the investigation. Pursuant to the judgment in Selvanathan's case, the Registrar General has issued a notification in Roc.No.1823-A/2010/P7/P.dis No.50/2010, dated 20.04.2010, to all the Magistrates to strictly follow the law laid down in Selvanathan's case. Therefore, the learned Judicial Magistrate, No.II, Dindigul has only followed the Roc.No.1823-A/2010/P7/P.dis No.50/2010, dated 20.04.2010, issued by the High Court. Hence, this Court does not find any infirmity in the docket order. Accordingly, this petition is dismissed.

Sd/-
Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate-II,
Dindigul.
2. The Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.SARAVANAN, Advocate, SR No.10684

Cr1.O.P. (MD)No.3291 of 2016
24.02.2016

RR
SH/SK-SKN:29.03.2016:2P/5C