



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

CRL.RC (MD) No.172 of 2016

and

CRL.MP (MD) No.2474 of 2016

Munusamy

... Petitioner / Petitioner /
Appellant / Accused No.1

-vs-

State,
rep.by the Sub-Inspector of Police
All Women Police Station
Aranthangi,
Pudukkottai District
(Crime No.1 of 2010)

... Respondent / Respondent /
Respondent / Complainant

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to call for the records of the learned Additional District Sessions Judge, Pudukkottai, in Cr.M.P.No.1787 of 2013 in C.A.No.32 of 2013 and set aside the order, dated 19.08.2015.

For Petitioner: Mr.D.Ramesh Kumar

For Respondent: Mrs.S.Prabha

Govt. Advocate (Crl.Side)

O R D E R

Aggrieved by the dismissal of Cr.M.P.No.1787 of 2013 in C.A.No.32 of 2013, filed under Section 391 Cr.P.C., the petitioner / appellant has directed this revision.

2. The revision petitioner's wife prosecuted him and in-laws in C.C.No.240 of 2010, before the learned Judicial Magistrate, Aranthangi. Conviction was recorded. As against that C.A.No.32 of 2013 has been filed by the revision petitioner herein in the Court of Additional Sessions Judge, Pudukkottai. In the appeal, he filed Cr.M.P.No.1787 of 2013, under Section 391 Cr.P.C., to mark the letter, stated to have been written by his wife to her father. The said letter not to have been sent, but kept in her house. The said letter is stated to have containing certain informations, which are relevant for the purpose of defence of the accused.

3. The Appellate Court dismissed the petition on the ground
<https://hds.judges.ecourtsonline.org/hdsset/lines/> letter has been admitted by P.W.1 in her chief-examination, she has stated that it was written under compulsion.



4. I have heard the learned counsel for the revision petitioner and the learned Government Advocate (Criminal Side) for the respondent.

5. Appellate Courts have powers under Section 391 Cr.P.C., to receive additional evidence. If a piece of evidence is just and necessary to take a decision, the Appellate Courts can admit the additional evidence. Whether it was voluntary and under what circumstances it was written are all matters to be considered at the time of disposal of the appeal. At the very entry stage itself reception of document cannot be disallowed. So, the impugned order passed by the Appellate Judge is vitiated.

6. In view of the foregoing, ordered as under:

(i) This revision is allowed.

(ii) The impugned order, dated 19.08.2015, passed in Cr.M.P.No.1787 of 2013 in C.A.No.32 of 2013, by the learned Additional Sessions Judge, Pudukkottai, is set aside.

(iii) The Appellate Judge will receive the said document and admit the same into evidence, subject to its proof and relevancy.

(iv) Consequently, connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:

1. The Additional District Sessions Judge,
Pudukkottai

2. The Sub-Inspector of Police,
All Women Police Station,
Aranthangi, Pudukkottai District.

3. The Government Advocate (Criminal Side),
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.P.Rameshkumar, Advocate in SR.30354

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