

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM:

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

Crl.O.P. No.20107 of 2017

S. Thiagarajan

... Petitioner

Vs

State rep. by
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
City Special Unit-III,
Chennai - 600 035.

... Respondent

Prayer:- The Criminal Original Petition is filed under Section 482 of Cr.P.C. praying to call for the records and set aside the order passed by the learned Special Judge for the Cases under Prevention of Corruption Act, Chennai in Crl.M.P.No.2100 of 2017 in C.C.No.6 of 2013 dated 07.09.2017.

For Petitioner : Ms.V.Anuradha

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl. Side)

ORDER

The petitioner has filed an application under Section 91 Cr.P.C.

calling for the following records:

(i) Pocket Diary P.W.11, 12, 13, 14, 15 and 16; (ii) General Diary Entry of the respondent's office one week prior to 09.06.2011 and ten days after 09.06.2011; (iii) Thapal Register of the respondent's office one week prior to 09.06.2011 and one week after 09.06.2011; (iv) Telephone Register of the respondent's office one week prior to the 09.06.2011 and one week after 09.06.2011.

2. The respondent-police has filed counter, wherein they stated that out of four documents, the General Diary is for the present recording of the activities and the accused are not entitled to seek production of diary. The telephone register is not maintained in City Special Unit-III, Pocket Diary of PW11 to PW16 and Thapal Register are not available at City Special Unit-III and the same could not be transferred.

3. Considering the counter, the trial Court has partly allowed the petition, directing the respondent to produce general diary and in other aspects dismissed the petition.

4. The learned counsel appearing for the petitioner submitted that maintenance of Pocket Diary of PW11 to PW16 has been admitted during their examination and therefore, unless and until those Pocket Diaries are

produced, the petitioner cannot effectively defend the case. On perusal of the trial Court order, it clearly indicates that the respondent-police has filed a counter stating that the Pocket Diary maintained by PW11 to PW16 are not available, hence, could not be produced. While so, there is no purpose in directing the respondent to produce the documents which are not available. The trial Court has also correctly observed that if at all the accused want to say anything about Pocket Diary, non production of Pocket Diary may lead adverse inference and can take advantage by the accused.

5. Thus, the trial Court has rightly considered the request of the petitioner and partly allowed the petition in respect of general diary and rejected the other plea. This Court finds no reason to interfere with the order, except confirming the same. Hence, the Criminal Original petition is dismissed.

सत्यमेव जयते

22.09.2017

Internet : Yes/No

Index : Yes/No

rsi/rli

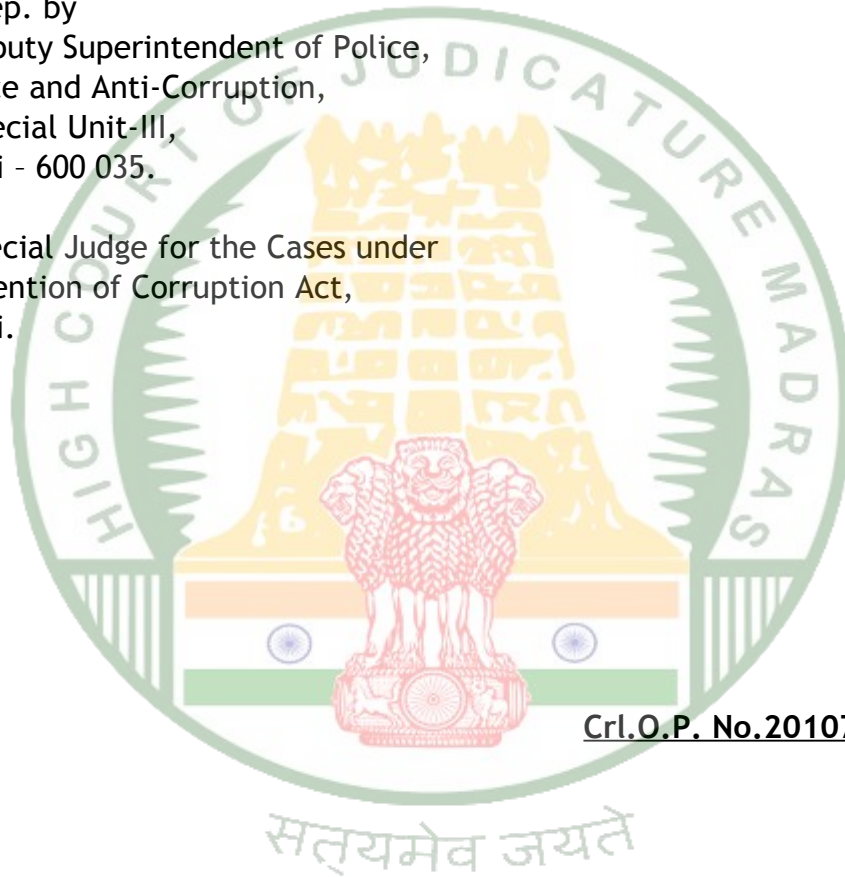
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DR.G.JAYACHANDRAN. J,

rsi/rli

To

1. State rep. by
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
City Special Unit-III,
Chennai - 600 035.
2. The Special Judge for the Cases under
Prevention of Corruption Act,
Chennai.



Crl.O.P. No.20107 of 2017

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