

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR. **JUSTICE M.S.RAMESH**

Crl.O.P.No.3785 of 2017 &
Crl.M.P. No.2779 of 2017

Tamil Vanan

..

Petitioner

Vs.

The State rep. by its
Inspector of Police,
Barur Police Station,
Dharmapuri District.

..

Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crl.M.P.No.11 of 2017 in S.C.No.109 of 2010 dated 16.02.2017 on the file of Additional District Judge, Krishnagiri and to set aside the same as illegal.

For Petitioner : Mr.R. Sankarasubbu

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed to call for the

records in CrI.M.P.No.11 of 2017 in S.C.No.109 of 2010 dated 16.02.2017 on the file of Additional District Judge, Krishnagiri and to set aside the same as illegal.

2. Under section 63 of the Indian Evidence Act, copies made from the originals are admissible as secondary evidence. The grievance of the petitioner is that the original records are destroyed and the copies cannot be said to be authenticated.

3. In my view, this point may be raised as a point of defence during the course of trial and at the time of argument and it cannot be termed to be an infirmity in the order passed by the trial Court. Accordingly, the Criminal Original Petition is dismissed.

4. Since, the case is pending from the year 2010, in the interest of Justice, it would be appropriate to direct the learned Additional District Judge, Krishnagiri to complete the case within a period of three (3) months from the date of receipt of a copy of this order.

5. At this juncture, the learned counsel appearing for the

petitioner made a request to take a sympathetic view to set aside the cost of Rs.5000/- imposed by the learned Additional District Judge, Krishnagiri in the impugned order. The petitioner is said to be 70 years of age and considering the request of the learned counsel for the petitioner, the order with regard to the cost of Rs.5000/- imposed by the learned trial Judge is set aside.

6. In the result, the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous petition is closed.

02.08.2017

Index : Yes/No
Internet : Yes/No
nl/ggs

To

1. The Additional District Judge, Krishnagiri
2. The Inspector of Police, Barur Police Station,
Dharmapuri District.
3. The Public Prosecutor, High Court, Madras.

M.S.RAMESH.J,

nl/ggs



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