

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision Nos.805 and 806 of 2016
and
CRL.M.P.No.5990 of 2016

T.Ramachandran ... Petitioner
(in both Crl.Revisions)/Accused No
2

Vs

State rep. by the
Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri District.
(Cr.No.614 of 1995)

... Respondent
(in both Crl.Revisions)/Complainant

Prayer in Crl.R.C.No.805/2016:- Criminal Revision filed under
Section 397 of Cr.P.C., against the order dated 06.05.2016 made
in Crl.M.P.No.3262 of 2016 in PRC No.65 of 2015 on the file of
the learned Judicial Magistrate No.II, Hozur.

Prayer in Crl.R.C.No.806/2016:- Criminal Revision filed under
Section 397 of Cr.P.C., against the committal order dated
06.05.2016 made in PRC No.65 of 2015 on the file of the learned
Judicial Magistrate No.II, Hozur.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.R.Ravichandran
Government Advocate

[Crl.side].

ORDER

The petitioner is A2 in PRC No.65 of 2016. Earlier, a
crime has been registered against him in Cr.No.614 of 1995, for
the offences under Sections 120B, 302 and 109 of IPC on the file
of the Principal District Court, Krishnagiri.

2. Originally there are five accused. After completing
the investigation, final report has been filed by the respondent
police and the matter was also taken on file and committed to

Sessions Court. After committal, the defacto complainant has filed a petition seeking further investigation against another four persons including the petitioner and on a further investigation, the petitioner was arrayed as A2. Thereafter, some of the documents filed by the respondent police under Section 173 Cr.P.C., were not furnished to the petitioner under Section 207 Cr.P.C.

3. In the above circumstances, the petitioner filed an application before the Court below seeking to furnish all the documents filed along with the final report. The Court below, dismissed the application stating that documents sought by the petitioner are available in the Sessions Court and directed the petitioner to obtain the copies from the Sessions Court. Challenging the order, the present Revision Petition in CrI.R.C.No.805 of 2016 has been filed.

4. Challenging the committal order dated 06.05.2016 passed in PRC No.65 of 2015, CrI.R.C.No.806 of 2016 had been filed.

5. Mr.N.Manokaran, learned counsel for the petitioner submitted that it is the duty of the Committal Court to furnish all the documents submitted by the respondent police under Section 173 Cr.P.C. The Court below cannot direct the petitioner to get the copies from the Sessions Court and it is totally illegal.

6. This Court has considered the rival submissions made by the respective learned counsel appearing for the parties and also perused the materials placed before this Court.

7. It is true that the Committal Court should furnish all the documents filed along with the final report to the accused under Section 207 Cr.P.C. In the instant case, since the entire records were sent to the Sessions Court, the copies of the documents are not available in the committal Court, in the above circumstances the Court below directed the petitioner to obtain the copies from the Sessions Court.

8. Since the matter has already been committed to Sessions Court and it is now pending before the Sessions Court, it is only a futile effort directing the Sessions Court to send all the records to the Committal Court, enabling the Committal Court to serve the copies to the petitioner.

9. In the circumstances, the Additional District Sessions Court, Hosur, in SC.No.81 of 2016 is directed to furnish all the clean copies of the documents, for which the petitioner is entitled to, within a period of four weeks from the date of receipt of a copy of this order and thereafter, proceed with the trial.

10. With the above direction, Criminal Revision Petitions are disposed of. Consequently, connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate Court-II,
Hosur.
2. The Additional District Sessions Court,
Hosur.
3. The Principal District Court Krishnagiri
4. The Deputy Superintendent of Police
District Crime Branch, Krishnagiri District
5. The Public Prosecutor, High Court,
Madras-104.

+2 ccs to Mr.N.Manokaran Advocate sr nos.24428,24432

Crl.R.C.Nos.805 and 806 of 2016

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