



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.02.2018

Coram:

The Honourable Dr.Justice G.Jayachandran

Criminal Revision Petition No: 148 of 2018

1. Tr.M.Ganesan
S/o. Muniyappan,
Inspector of Police (Under Suspension)
Tr.Palur Police Station,
Ariyalur District.
2. Tr.Sankar @ Sankara Subramanian ... Petitioners/Accused

/versus/

The State Rep.by
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Thanjavur.(crime No5/2008) ... Respondent/Complainant

PRAYER: Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C, to call for the records relating to the case in Special Case No. 14 of 2012 on the file of the Chief Judicial Magistrate and Special Judge, Ariyalur District and set aside the orders dated 08.01.2018 made in the memo filed by the respondent/complainant.

For Petitioners : G.Saravanan

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

O R D E R

This Revision Petition is directed against the order passed by the Chief Judicial Magistrate-cum-Special Judge on the memo filed by the prosecution for receiving additional documents in the course of the trial.

2. According to the learned counsel appearing for the petitioners/accused, the Ex.P.42 and Ex.P.43 are the carbon copy

of the letters addressed to Head of the Department of the accompanying witnesses. It was not filed along with Section 207 Cr.P.C papers and not copy furnished to the accused before framing charges. Only after elucidating answers adverse to the prosecution, during the cross examination of PW.3 and PW.4, the prosecution has introduced these two Exhibits i.e., Ex.P.42 and Ex.P.43 through the Trap Laying Officer, while Chief examining him as PW.20. Hence, seeks Revision of the order passed by the Trial Court admitting Ex.P.42 and Ex.P.43.

3. The learned Additional Public Prosecutor would submit that these two documents inadvertently could not be filed along with 207 Cr.P.C papers, but the Trap laying Officer had duly requested two official witnesses to be accompanied for the Trap proceedings. He had written the letters to respective HOD and by marking these two exhibits, no prejudice will be caused to the defence. Hence, Revision Petition to be dismissed.

4. Peruse the petition and the impugned order, the reason stated for allowing the petition. The Trial quoting Section 294 of Cr.P.C and 65(c) of Indian Evidence Act to allow the petition to receive additional evidence may not be appropriate for the facts of the case, but the conclusion of the Trial Court does not warrant any interference. Since, copies of these two documents i.e., Ex.P.42 and Ex.P.43 has been served to the accused persons before admitting into evidence. Therefore adequate opportunity, if given to the defence to confront the veracity of the documents, it will suffices to met the ends of justice.

5. Therefore, while disposing the Criminal Revision Petition, the Trial court is directed to entertain the petition, if any, filed by the accused person to recall PW.20 through whom the Ex.P.42 and Ex.P.43 being marked to the accused/petitioner to challenge the veracity of the said documents. Accordingly, Criminal Revision Petition No.148 of 2018 is disposed of.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

bsm

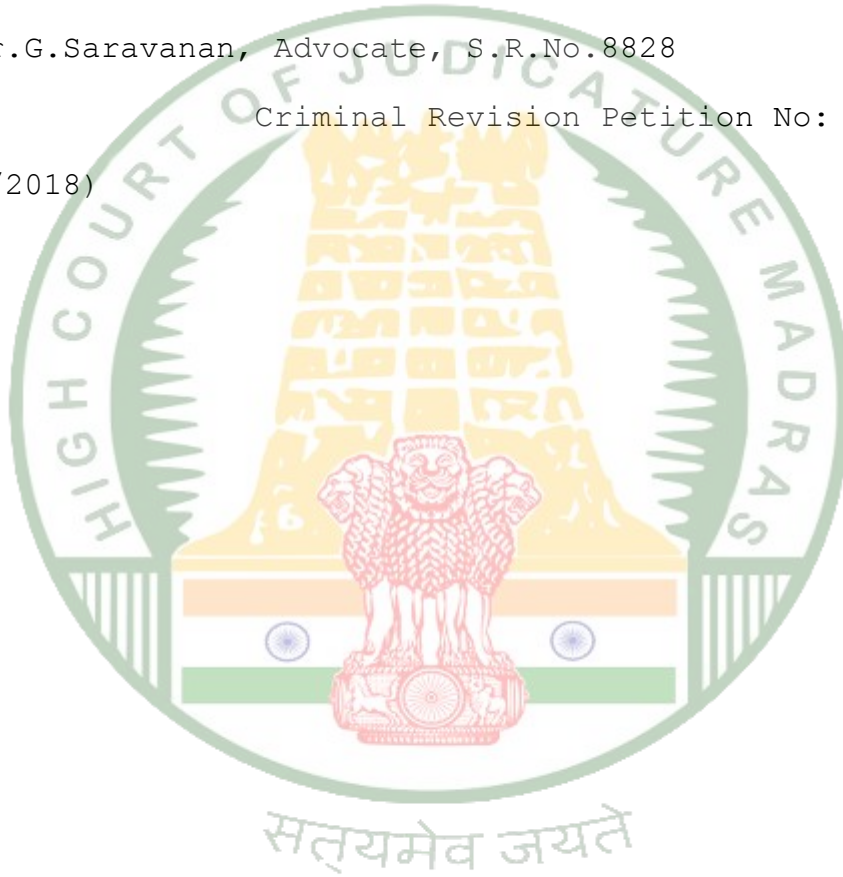
To

1. The Chief Judicial Magistrate and Special Judge,
Ariyalur District
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Thanjavur.
3. The Additional Public Prosecutor,
Madras.

+1cc to Mr.G.Saravanan, Advocate, S.R.No.8828

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RRK(06/03/2018)



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