

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 18.07.2018]

[Delivered on : 01.08.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.286 of 2018
and
Crl.M.P.No.3321 of 2018

Sakthivel Petitioner/Accused

.. Vs ..

1. State represented by
The Deputy Superintendent of Police,
All women police station ,
Tiruvannamalai & District.
.... 1st Respondent/Complainant

2. Priyadarshini @ Soumya
.... 2nd Respondent

(R-2 is impleaded as per order of this
Court dated 10.04.2018 made in
Crl.M.P.No.5475 of 2018 in
Crl.R.C.No.286 of 2018)

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401
of Cr.P.C., praying to call for the records of the learned
District and Sessions Judge, Tiruvannamalai, Tiruvannamalai
District and set aside the order passed in Crl.M.P.No.462 of
2018 in S.C.No.104 of 2014.

For Petitioner : Mr.T. Shanmugam

For R-1 : Mr.R.Surya Prakash,
Government Advocate

For R-2 : Mrs.S.E.Monika Vincent

ORDER

By consent of both the parties, the case is taken up for
final disposal.

2. The accused is the revision petitioner herein. The

revision petitioner has filed a petition before the learned Principal Sessions Judge, Thiruvannamalai, in CrI.M.P.No.462 of 18 in S.C.No.104 of 2014 for furnishing copies, which are marked as Document No.9 and Document No.10 [CD] as per Section 207 Cr.P.C. and the same was partly allowed and hence, the above criminal revision.

3. The first respondent police have filed a final report alleging the offences under Section 376 IPC r/w. Section 3 (2) (v) of the SC/ST (PA) Act and after committal before the learned Special Sessions Judge, it is numbered as S.C.No.104 of 2014. It appears that pending the above Sessions Case, the accused had filed a petition in CrI.M.P.No.462 of 2018 to furnish copies of Document No.9 and 10 (CD) on the ground that they are not furnished along with the copies at the time of committal as required under Section 207 of Cr.P.C.

4. After hearing both the parties and taking note of the fact that P.W.1 is in the witness box, the learned District and Sessions Judge, Tiruvannamalai, has rejected the claim of the petitioner/accused partly on the ground of delay and allowed to inspect those Document Nos.9 and 10 (CD). Since the Document No.9 relating to call details alleged between the parties which runs into 580 pages and Document No.10 is CD, the learned District and Sessions Judge granted permission to inspect those documents during the Court hours in front of Sherasthar.

5. Having not satisfied with the above order, wherein, the request of the petitioner was partly allowed and with regard to the rejected portion, the accused has preferred this criminal revision case before this Court.

6. Learned counsel appearing for the second respondent would state that it is only to delay the trial.

7. Now, P.W.1 is in the witness box. It is to be stated that at the time of committal, as per Section 207 of Cr.P.C., it mandates providing the copies of documents that are going to be relied upon by the prosecution against the accused. These documents which have a bearing in support of the charge with which the accused stands charged. But, the provision of Section 207 of Cr.P.C. only incorporated on the lines of principles of natural justice in criminal law. It is to facilitate the accused to defend effectively and he has to be furnished with copies of incriminating materials at free of cost.

8. In the case in hand, Document No.9 is relating to call details between third parties and the victim and the accused touching upon the charges with which the petitioner stands charged before the Sessions Court. Following the decision

of this Court reported in 2016 (2) MLJ (Criminal) 490 [Dr.Zubaida Begum Vs. State], the defence must be one for effective defence and not for a formal shake and hence, in this view of the matter, I am inclined to allow the prayer of the revision petitioner. Hence, the learned District and Sessions Judge, Tiruvannamalai, Tiruvannamalai District, is hereby directed to take the copies of the Document Nos.9 and 10 and furnish the same to the petitioner/accused, within a period of six weeks from the date of receipt of a copy of this order and thereafter, to proceed with the main Sessions Case.

9. In the result, this Criminal Revision Case is partly allowed and the order passed by the learned District and Sessions Judge, Tiruvannamalai, Tiruvannamalai District in CrI.M.P.No.462 of 2018 in S.C.No.104 of 2014, shall stand modified to the limited extent indicated above. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Audit)

//True copy//

Sub Assistant Registrar

Jr1

To

1. The District and Sessions Judge,
Thiruvannamalai,
Thiruvannamalai District.
2. The Deputy Superintendent of Police,
All Women Police Station,
Tiruvannamalai & District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Shanmugam, Advocate SR.No.52084

CrI.R.C.No.286 of 2018

CNR(CO)
GN(13/08/2018)