

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.01.2018
CORAM
THE HONOURABLE MR. JUSTICE R. SURESH KUMAR
Crl.O.P.No.55 of 2018

Savarinnathan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Central Crime Branch,
Cuddalore,
Cuddalore District.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the impugned order passed by the learned Judicial Magistrate No.I, Panruti, in C.C.No.182 of 2017 and direct the learned Magistrate to furnish the entire copies of the above said case to secure the ends of Justice.

For Petitioner : Mr.A.Arasu Ganesan
For Respondent : Mr.R.Ravichandran,
Government Advocate (Crl.Side)

ORDER

The prayer sought for in this petition is to set aside the order passed by the learned Judicial Magistrate No.I, Panruti, in C.C.No.182 of 2017 and to direct the learned Magistrate to furnish the entire copies of the abovesaid case to secure the ends of Justice.

2.I have heard Mr.A.Arasu Ganesan, learned counsel appearing for the petitioner and Mr.R.Ravichandran, learned Government Advocate (Criminal Side) appearing for the respondent.

3.It seems that the petitioner had filed a copy application on 31.10.2017 stating that though copies of the charge sheet had been served on him, it contained only the statement of witnesses and FIR, without connected documents. The entire case papers filed by the prosecution have not been served on the petitioner, enabling him to defend the case.

4.Though the said application was filed by the petitioner, by the impugned order dated 31.10.2017, the said application was returned saying that the petitioner/accused was absent and there was no representation.

5.I have heard Mr.R.Ravichandran, learned Government Advocate (Criminal Side) appearing for the respondent, in this regard.

6.Once a copy application is filed seeking certain certified copy of the documents that too by the accused, those documents shall be furnished to him, if it is already not furnished. Instead, the Court below has returned the said application on the ground that the petitioner/accused was absent and there was no representation. In these circumstances, this Court is of the view that the said order would not sustain and accordingly, it is liable to be set aside and it is set aside. The matter is remitted back to the concerned Court, where his application dated 31.10.2017 shall be taken on file, based on which, the necessary copies sought for by the petitioner shall be furnished to him, if it is not already given to him, in this regard.

With this direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Judicial Magistrate No.I,
Panruti.

2.The Inspector of Police,
Central Crime Branch,
Cuddalore,
Cuddalore District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.A.Arasu Ganesan, Advocate SR.No.623

KS(CO)
sm:23.2.2018

CrI.O.P.No.55 of 2018