

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.27186 of 2017 & Crl.M.P. No.15588 of 2017

S. Rajkumar

Petitioner

vs.

State of Tamil Nadu
represented by the
Inspector of Police
(Law & Order)
K-8 Arumbakkam Police Station
Chennai 600 106

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records in P.R.C. No.2 of 2016 on the file of the V Metropolitan Magistrate, Allikulam (Egmore), Chennai and set aside the docket order of committal dated 24.11.2017.

For petitioner : Mr. Percivul D. Pericles

For respondent : Mr. C. Raghavan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to call for the records in P.R.C. No.2 of 2016 on the file of the V Metropolitan Magistrate, Allikulam (Egmore), Chennai and set aside the docket order of committal dated 24.11.2017.

2 On the complaint lodged by one Pechi, the respondent police registered a case in Cr. No.728 of 2015 under Section 307 IPC against the petitioner herein and after completing the investigation, have filed charge sheet in P.R.C. No.2 of 2016 before the V Metropolitan Magistrate, Chennai. The said case has now been committed to the Court of Session and the same is pending trial in S.C. No.*363 of 2017 before the Mahila Court, Chennai. While so, the accused has filed the present petition to set aside the order of committal passed by the V Metropolitan Magistrate, Chennai on the ground that there is violation of provisions of Section 207 Cr.P.C., inasmuch as a copy of the wound certificate and accident register have not been furnished.

3 In the opinion of this Court, mere non furnishing of the aforesaid documents would not, by itself, vitiate the committal proceedings.

4 The learned Government Advocate (Crl. Side) disputed the petitioner's stand qua non furnishing of a copy of the wound certificate and accident register and submitted that the Committal Court has furnished the said two documents.

5 Be that as it may, no prejudice will be caused to the prosecution if the accused is furnished a copy of the wound certificate and accident register again, if they are relied upon by the police.

6 In view of the above, this Court directs the Mahila Judge, Chennai to furnish a copy of the wound certificate and accident register to the accused forthwith, if the same are relied upon by the prosecution.

With the above direction, this Criminal Original Petition is closed. Connected Crl.M.P. is closed.

Sd/-
Assistant Registrar(CCC)
Dated: 18/06/2018

*** Corrected as per order
dated 11/06/2018**

Sd/-
Assistant Registrar
Dated: 07/08/2018

//True Copy//
Sub Assistant Registrar

To

- 1 The V Metropolitan Magistrate
Allikulam (Egmore)
Chennai
- 2 The Mahila Court Judge,
Mahila Court,
Chennai

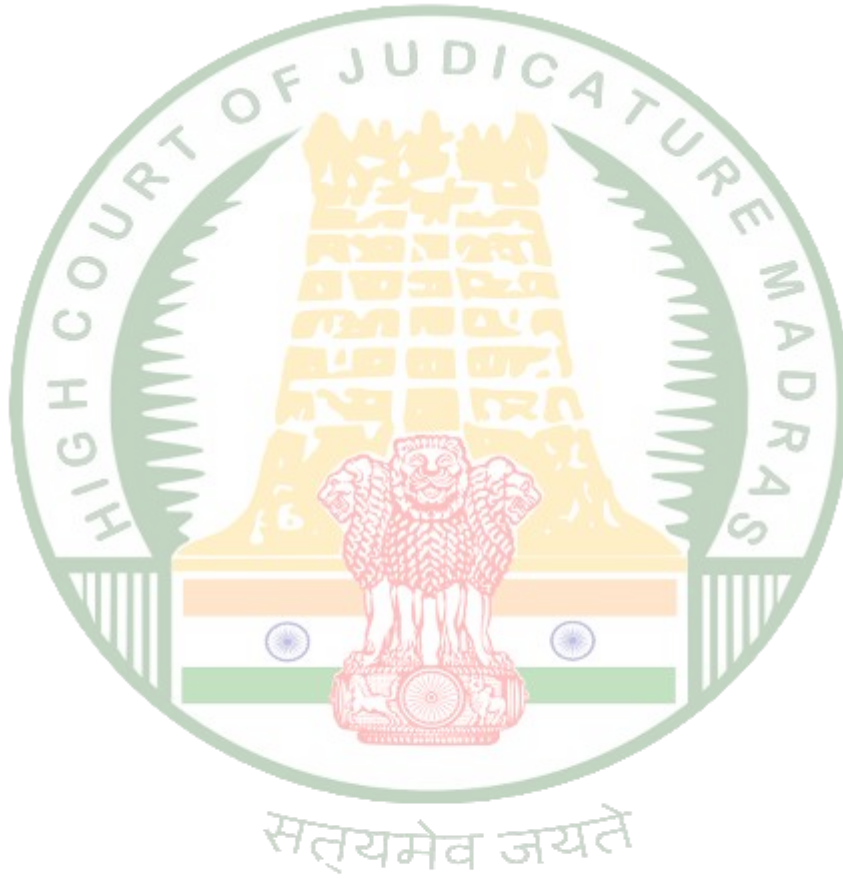
**To be Substituted to
the Order already
despatched on 27/06/2018**

3 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.Percivul D.Pericles, Advocate SR.No.52243

Cr1.O.P. No.27186 of 2017

GSP(19/06/2018)
GN(07/08/2018)



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