



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P (MD) No.15352 of 2017
and
CrlMP (MD) No.10209 of 2017

S.Esakki Muthu : Petitioner/De-facto Complainant

Vs.

1.The State Represented by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
[Crime No.869 of 2008]

:1st Respondent/Respondent

2.Ramasubramanian @ Ram @ Jolly

:2nd Respondent/Accused

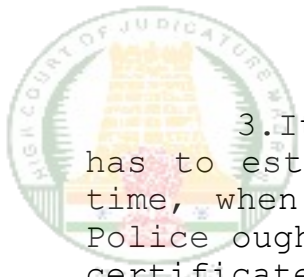
PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Inspector of Police, Palayamkottai Police Station, Tirunelveli City to collect birth certificate and school certificates of the victim of the case in S.C.No.44 of 2017 pending on the file of the Mahila Court, Tirunelveli and further direct him to place the same along with the statements of the witnesses connected to those documents, before the said court.

For Petitioner	: Mr.R.Anand
For Respondent No.1	: Ms.S.Bharathi Government Advocate (crl side)
For Respondent No.2	:No appearance

O R D E R

This petition has been filed for a direction to the respondent Police to collect birth certificate and also school certificate of the victim in the case in SC No.44 of 2017, which is pending on the file of the Mahila Court, Tirunelveli.

2.The petitioner is the father of the victim. A complaint was given by the petitioner on 21.06.2008 to the respondent Police in connection with missing of his minor daughter, who was 16 years old at that point of time. The respondent Police registered an FIR in Crime No.869 of 2008, during the course of investigation, victim girl was secured from the custody of the accused person and the investigation revealed that the accused person had kidnapped the victim girl and took her to various places and has also committed an offence of rape against the victim girl.



3.It is the grievance of the petitioner that the prosecution has to establish that the victim girl was a minor at the point of time, when the offence was committed and therefore, the respondent Police ought to have collected the birth certificate and also school certificate of the victim girl, in order to substantiate the same. However, the respondent Police did not do so and even without the same, a final report was filed before the Court below.

4.This Court finds some force in the submission made by the learned Counsel for the petitioner. In the present case, one of the main issues involved is with regard to the age of the victim girl and the prosecution has to necessarily prove the same only by marking the relevant documents namely birth certificate and also school certificate of the victim girl. Whatever material has been furnished by the petitioner to the respondent Police in this regard should be received by the respondent Police and they should make them part of the record before the Court and seek permission of the Court in order to mark the said documents.

5.In the facts and circumstances of the case, there shall be a direction to the first respondent to collect the birth certificate and also the school certificate of the victim girl and place the same before the Court below in SC No.44 of 2017 and file an appropriate application, in order to mark the same and also to examine the relevant witnesses in order to speak about the certificates.

6.This criminal original petition is disposed of with the above direction. Consequently, CrI MP(MD) No.10209 of 2017 is closed.

Sd/-

Assistant Registrar(RECORDS)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

2.The Mahila Court, Tirunelveli.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Dsk

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