

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.14207 of 2019
and
CRL.MP.No.6890 of 2019

Gokul @ Gokula Krishnan ...Petitioner/Accused

Vs.

State by,

Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai - 78

...Respondent/Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.1757 of 2019 dated 14.05.2019 in C.C.No.1298 of 2015 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : M/S.R.Abirami
for S.Shankar

For Respondent : Mr.C.Raghavan
Government Advocate
(Criminal Side)

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the objection petition filed by the petitioner, objecting to marking of certain electronic documents and photos.

2 It is seen from the records that even at the time when the electronic evidence namely the CD and the photos were marked through P.W.8, the petitioner had raised objections for marking the documents. The objection was over ruled and the prosecution was allowed to mark the documents subject to objections. This became a subject matter of challenge before this Court and ultimately reached the Hon'ble Supreme Court. The Hon'ble Supreme Court passed the following order on 10.08.2018 and the same is extracted here under.

Though we are not inclined to interfere

with the impugned order passed by the High Court, whatever objection that the petitioner would like to raise with regard to admissibility of the evidence in question, the same shall be decided, when raised strictly in accordance with law at the appropriate stage of the proceedings by the trial Court.

3 By virtue of the above order the petitioner was given an opportunity to raise the objection and such objection was directed to be considered at the appropriate stage of the proceedings by the trial Court.

4 Pursuant to the above said order, the petitioner has filed an independent petition by raising objections again and the Court below had categorically stated in the order that the objections will be taken into account at the time of the final arguments and at the time of passing the judgment and that there is no requirement to pass an independent order in the objection petition filed by the petitioner.

5 The learned counsel for the petitioner submitted that the Court below ought to have passed an independent order on the objection petition filed by the petitioner and the Court below should not have postponed a decision up to the final stage.

6 This Court is not in agreement with the submission made by the learned counsel for the petitioner. In accordance with the directions given by the Hon'ble Supreme Court, the trial Court has made it abundantly clear that the objections will be considered at the time of deciding the case finally. Therefore, the right of the petitioner in considering his objections has not been foreclosed by the trial Court and it is kept open to be considered at the time of the final Judgment. This procedure adopted by the trial Court is in consonance with law and this Court does not find any illegality or infirmity in the order passed by the trial Court.

7 In the result the present Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

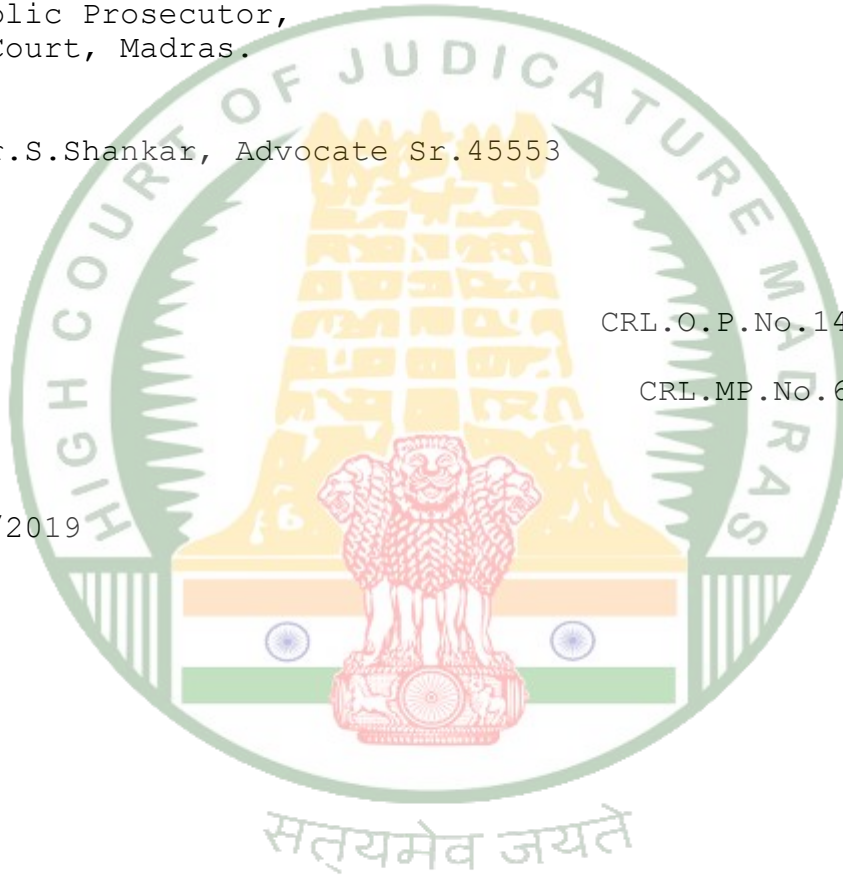
To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.
2. Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai - 78
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Shankar, Advocate Sr.45553

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srg 10/06/2019



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