



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.628 of 2019

in

Crl.M.P.No.8740 of 2019

1. V.Sridhar

2. Hemavathy

.. Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Poonamallee,
Chennai-600 056.

.. Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the order dated 10.07.2018 passed in C.M.P.No.1855 of 2018 in P.R.C.No.6 of 2017 on the file of the Judicial Magistrate-I Court, Poonamallee, Tiruvallur District.

For Petitioners: Mr.R.Karunakaran
For Respondent : Mrs.P.Kritika Kamal
Govt. Advocate (Crl.Side)

O R D E R

This revision petition has been filed seeking to set aside the order dated 10.07.2018 passed in C.M.P.No.1855 of 2018 in P.R.C.No.6 of 2017 on the file of the Judicial Magistrate-I Court, Poonamallee, Tiruvallur District.

2. The petitioners were arrayed as accused in A.W.P.S.Crime No.12 of 2013 and after completing the investigation, the police filed final report in P.R.C.No.6 of 2017 before the Judicial Magistrate-I, Poonamallee, for the offences under Sections 498-A, 313, 506 (I), 342 and 406 r/w 34 IPC and Section 4 of the Dowry Prohibition Act, against two accused.

3. While the committal proceedings were pending, the Investigating Officer noticed that the statement of Dr.Vanaja, M.B.B.S., who had treated the victim girl for miscarriage was not filed along with the final report. Therefore, the Investigating Officer filed an application in C.M.P.No.1855 of



2018 in P.R.C.No.6 of 2017 under Section 173 (8) Cr.P.C., for including the statement of Dr.Vanaja and also the medical reports relating to the treatment given by her. This petition was allowed by the committal Court on 10.07.2018 and those documents were taken on record. They have also been furnished to the accused by the committal Court. While that being so, the accused has filed the present revision petition with a delay of 246 days to set aside the order dated 10.07.2018 in C.M.P.No.1855 of 2018. This Court, condoned the delay of 246 days and took up the main revision petition for hearing.

4. Heard Mr.R.Karunagaran, learned counsel for the accused and Mrs.P.Kritika Kamal, learned Government Advocate for the respondent/State and Mr.Govindarajan, learned counsel for the de facto complainant.

5. Mr.R.Karunagaran, learned counsel for the accused submitted that the treatment was given by Dr.Vanaja to the victim girl in the year 2013 and the charge sheet was filed in the year 2017 and at that time, the police ought to have included the statement of Dr.Vanaja and the medical records along with the final report; that not having been done, the police cannot fill up the lacuna by filing a petition under Section 173 (8) Cr.P.C. He also contended that for further investigation, leave must be obtained from the Court, in support of which, he placed reliance upon the judgment of the Supreme Court in K.Chandrasekhar Vs. State of Kerala [1998 (5) SCC 223] and the judgment of this Court in S.Ramapandian Vs. State represented by the DCB, Kancheepuram [1996 CriLJ 3331].

6. Per contra, Mrs.Kritika Kamal, learned Government Advocate (Crl.Side) refuted the contentions of the learned counsel for the accused.

7. This Court gave its anxious consideration to the rival submissions.

8. The issue at hand requires no further deliberations in view of the judgment of the Supreme Court in State represented by Inspector of Police Central Bureau of Investigation Vs. M.Subrahmanyam [2019 (7) SCALE 519]. In the said judgment, the Supreme Court has clearly held that any additional document can be filed even after the charge sheet is filed, but, of course, the accused should be given the copies of those documents before the witness concerned with the document is examined, so that he is not caught unawares.

9. In this case, even before the case was committed to the Court of Session, the additional documents have been taken on record and have been furnished to the accused. Now, the case is



committed to the Court of Session in S.C.No.170 of 2019 and the same is pending trial before the Mahila Court, Tiruvallur.

10. In view of the aforesaid judgment of the Supreme Court, this Court does not find any infirmity in the order passed by the committal Court warranting interference.

In the result, this revision petition is dismissed as being devoid of merits. The Trial Court is directed to complete the trial expeditiously.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Nsd

To

1. The Judicial Magistrate-I,
Poonamallee,
Tiruvallur District.
2. The Inspector of Police,
All Women Police Station,
Poonamallee,
Chennai-600 056.

+1cc to Mr.R.Karunagaran, Advocate, S.R.No. 56444

Cr1.R.C.No.628 of 2019

GP(CO)
GN(19/08/2019)