

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16068 of 2019 and
Crl.M.P.No.8020 of 2019

Venkatesan

...Petitioner

Vs.

The State

Rep. by Sub Inspector of Police,
Annandanpatty Police Station,
Salem District.
(Crime No.376 of 2018)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction to the Special Judicial Magistrate No.IV, Salem to number the petition filed by the petitioner in Spl.C.C.No.3 of 2019 and pass order in unnumbered CMP No. /2019 in Spl.C.C.No.3/2019 on the file of the Special Judicial Magistrate No.IV, Salem.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the Court below to number the petition filed by the petitioner and proceed further in accordance with law.

2.The learned counsel for the petitioner submitted that the grievance of the petitioner who is the defacto complainant is that at the time of giving the complaint, a CD [Compact Disc] was also given along with the complaint and it is very material to be shown as document in the final report. However, the CD has not been shown in the list of documents and therefore, the petitioner has filed a petition for a direction to the Investigating Officer to produce the CD before the Court as an evidence.

3. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent Police.

4. It is seen from the records that even when the 161 statement was recorded by the Investigating Officer, the petitioner has specifically stated about the CD given along with the complaint. In spite of the same, the CD has not been produced before the Court below along with the final report and it has not been shown in the list of documents.

5. Under such circumstances, there shall be a direction to the Investigating Officer to produce the CD which was handed over by the petitioner along with the complaint, before the Court below and the Court below shall take the same on file as a document and show it in the list of documents in the final report.

6. This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rri/kal

To

1. The Inspector of Police,
Annandanpatty Police Station,
Salem District.
2. The Public Prosecutor,
High Court, Madras.
3. The Special Judicial Magistrate No. IV, Salem

CRL.O.P.No.16068 of 2019
and
Crl.M.P.No.8020 of 2019

WEB COPY

RSK (CO)
GMY (25/06/2019)