

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.24737 of 2019

ORDER:

The present writ petition is filed seeking a direction to the second and third respondents to consider the representation dated 19.10.2019 made by the petitioner and to produce the sharp spade by which the petitioner is alleged to have been attacked and blood stained cloths and DVR from the place of offence which is in the custody of the Investigating Officer (IO).

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

3. Learned Assistant Government Pleader for Home, on written instructions, dated 19.11.2019, which is placed on record of this Court, would submit that the preliminary enquiry conducted by the third respondent revealed that the IO at the relevant point of time did not seize the Spade, DVR and Shirt and that the said items were neither seized nor produced before the Court concerned as material evidence. Learned Assistant Government Pleader would further submit that after completion of investigation into the crime, a charge sheet was filed and also obtained CC, *vide* CC.No.1402 of 2015, and under such circumstances, there is no possibility to produce the material evidence at this late stage. A letter dated 18.11.2019 was also issued to the petitioner intimating the same.

In view of the above, since the charge sheet has been filed in the matter by the authorities in the year 2015 itself, and as the petitioner has not taken steps to get the material evidence seized by the police authorities and an intimation, to the effect that there is no possibility to

produce the material evidence, has already been sent to the petitioner, this Court is of the opinion that a direction as sought cannot be given to the respondent authorities to produce the material evidence, at this stage.

5. The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:19.11.2019

GJ

