

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.116 of 2020

B.Renganathan

... Petitioner

Vs.

State rep by:

The Deputy Superintendent of Police,
CBI/SCB/Chennai - 600 090.

Crime No.RC.9/(S)/2014/CBI/SCB/Chennai.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records in Crl.M.P.No.1549 of 2019 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai and set aside the order in Crl.M.P.No.1549 of 2019 in PRC.No.93 of 2019 dated 08.01.2020.

For Petitioner : Mr.E.Raj Thilak

For Respondent : M/s.K.Srinivasan,
Special Public Prosecutor [CBI Cases]

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 08.01.2020 in Crl.M.P.No.1549 of 2019 in PRC.No.93 of 2019 passed by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai.

2.The petitioner is facing trial in P.R.C.No.93 of 2019 for the alleged offence under Sections 120-B r/w 341, 342, 302, 149, 150, 212 of IPC. According to the petitioner, the charge sheet in P.R.C.No.93 of 2019 is voluminous in nature and running more than thousands of pages, in which the respondent Police have not assigned with proper page number and some of the pages are not able to read visibly. Hence, the petitioner asked the trial Court to furnish the clear copies of the charge sheet by filing

CrI.M.P.No.1549 of 2019 in PRC.No.93 of 2019. But, the same was dismissed by the trial Court by order dated 08.01.2020, against which the present revision has been filed.

3.The learned counsel for the petitioner would submit that once the charge sheet is filed before the Court below and the prosecution is relying upon the same, the petitioner is entitled for a copy of the charge sheet and it has to be supplied to him under Section 207 of Cr.PC. He would further submit that the investigating agency is bound to produce all the documents before the trial Court and the accused is entitled to get copies of the such documents in order to confront the witnesses. Hence, he prayed to set-aside the order passed by the trial Court.

4.The learned Special Public Prosecutor for CBI Cases appearing for the respondent would submit that the correct visible photo copies taken from the original documents have been supplied to all the accused including the petitioner and except the petitioner none of the other accused has raised such an allegation regarding the visibility of the documents.

5.It is seen that earlier this Court by order dated 24.01.2020, directed the learned Principal Sessions Judge, City Civil Court, Chennai to produced the records in connection with P.R.C.No.93 of 2019. On receipt of the same, the learned Principal Sessions Judge, City Civil Court, Chennai through its letter dated 27.01.2020 vide in Dis.No.805/20 submitted that since the accused involved in this case are the Member of Legislative Assembly and the case was made over to the file of the Special Court for trial of Cases against the M.P and M.L.A., Chennai and assigned as S.C.No.34 of 2020 and that the records of the above case are voluminous in nature and running more than thousands of pages and the photo copies of the records could not be taken immediately.

6.As per Section 207 of Cr.P.C., if the Magistrate is satisfied that any document referred to in clause (v) is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court. Hence, this Court directed the petitioner to inspect the records, which is available in S.C.No.34 of 2020 on the file of the Special Court for trial of Cases against the M.P and M.L.A., Chennai and get copies of such records by filing a copy application. If any such copy application is filed, the Special Court for trial of Cases against the M.P and M.L.A., Chennai is directed to furnish the copies to the petitioner/accused.

7.With the above directions, this Criminal Revision Petition is disposed of.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Special Court for trial of Cases
against the M.P and M.L.A.,
Chennai.
- 2.The Additional Chief Metropolitan Magistrate,
Egmore,
Chennai.
- 3.The Deputy Superintendent of Police,
CBI/SCB/Chennai - 600 090.
- 4.The Principal Sessions Judge,
City Civil Courts, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Raj Thilak, Advocate sr.6606

Cr1.R.C.No.116 of 2020

bs (co)
nr 27/02/2020

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