

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No.1642 of 2020
and Crl. M.P. No.1025 of 2020

Munna @ Mohammed Raffiq ... Petitioner/Accused

vs.

The State Rep. by
Inspector of Police,
Krishnagiri. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order in Crl.M.P. No.1979 of 2019 in S.C. No.5 of 2015 dated 15.10.2019 on the file of Additional Sessions Judge, Krishnagiri is illegal to secure the ends of justice.

For Petitioner : Mr. R.Sankarasubbu

For Respondent : Mr. S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order in Crl.M.P. No.1979 of 2019 in S.C. No.5 of 2015 dated 15.10.2019 on the file of Additional Sessions Judge, Krishnagiri.

2. Learned counsel for the petitioner would submit that the prosecution have to examine and record the statement from L.W. 50 namely one Johnson who was working as Nodel Officer at Bharath Airtel Ltd., and since the said person has got VRS from his service in the year 2015 the prosecution wanted to examine the new Nodel Officer namely Jayakumar. He would submit that this cannot be entertained under Section 161 Cr.P.C. Further he would submit that the call details obtained by the investigation officer from L.W.50 was not filed along with charge sheet.

3. On perusal of records it shows that one Johnson, Nodal officer, Bharath Airtel Ltd., was examined as L.W.50. During the proceedings of the trial Court, on issuance of summons to L.W.50, it is found that the said officer has left his service

in the VRS scheme. Therefore, the prosecution sought for permission of the trial Court to examine Jayakumar who is in charge for said person namely Johnson. It is also seen that the document which is sought to be marked is nothing but a computer generated document with regard to the call details. Therefore, it does not require any signature from the Nodel Officer. Therefore, the trial Court has rightly allowed the petition.

4. This Court does not find any infirmity or irregularity in the order passed in Crl.M.P. No.1979 of 2019 in S.C. No.5 of 2015 dated 15.10.2019 on by the Additional Sessions Judge, Krishnagiri. This Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police,
Krishnagiri.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Additional Sessions Judge,
Krishnagiri.

सत्यमेव जयते

Crl. O.P. No.1642 of 2020

MR (CO)

RMP (09/10/2020)

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