

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE **T. RAVINDRAN**

Crl.O.P.No.17171 of 2020

and

Crl.M.P.No.6648 of 2020

1.Dhibu Heemalal
2.Shanthalakshmi

... Petitioners

Vs.

State of Tamil Nadu,
Rep. by Inspector of Police,
Central Crime Branch EDF II, Team IV,
Vepery, Chennai-600 007

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records pertaining to the C.C.No.7833 of 2019 on
the file of CCB Metropolitan Magistrate Court, Egmore, Chennai and
setaside the impugned order of framing of charges dated 09.03.2020 in so
far as the petitioners is concerned.

For Petitioners : Mr.N.S.Thanumudhan

For Respondent : Ms. M. Prabhavathi

Additional Public Prosecutor

ORDER

The Criminal Original Petition has been laid by the petitioners/A1 & A2 to call for the records pertaining to the C.C.No.7833 of 2019 on the file of CCB Metropolitan Magistrate Court, Egmore, Chennai and set aside the impugned order of framing of charges dated 09.03.2020 in so far as the petitioners are concerned.

2.The petitioners are facing criminal prosecution in C.C.No.7833 of 2019 on the file of the CCB Metropolitan Magistrate Court, Egmore, Chennai.

3.After the copies of the documents had been furnished to the petitioners/Accused, alleging that the respondent has not furnished the copies of eight documents filed along with the final report, it is found that they had preferred a petition before the Court below for furnishing the said documents and though the direction had been given to the respondent to furnish the copies of the said documents to the petitioners,

it is found that the respondent has not furnished the copies of the said documents. On the other hand, it is found that on the next hearing date i.e., on 09.03.2020, the Magistrate has framed charges against the petitioners/Accused and adjourned the matter to 14.05.2020 for recording the evidence.

4.As rightly contended by the petitioners' counsel, only after the furnishing the copies of the requisite documents filed along with the final report to the petitioners/Accused, the Magistrate should embark upon the next stage of framing of the charges. In such view of the matter, when the Magistrate has given a direction to the respondent police to comply with the relief sought for by the petitioner in the petition preferred by them under Section 207 of Cr.P.C, without ensuring the compliance of the same, the action of the Magistrate in proceeding further i.e., in proceeding further to frame the charges against the petitioners/Accused, is found to be contrary to law and totally unacceptable.

5.It is represented by the Additional Public Prosecutor that she is ready to furnish the copies of the documents sought for by the petitioner at the earliest and the petitioner may be directed to proceed further in the matter.

6.However, when before the framing of the charges, the petitioners/Accused should be furnished with all the copies of the documents filed along with the final report, without compliance of the same, the action of the Magistrate in proceeding to frame the charges against the petitioners/ Accused cannot be sustained as per law.

7.In the light of the abovesaid factors, the impugned order of framing of charges dated 09.03.2020 in C.C.No.7833 of 2019 on the file of CCB Metropolitan Magistrate Court, Egmore, Chennai, is liable to be set aside and the respondent police is directed to furnish the copies of the requisite documents sought for by the petitioners under Section 207 of Cr.P.C within one week from the date of receipt of a copy of this order and after ensuring the compliance of the same, the CCB Metropolitan

Magistrate Court, Egmore, Chennai, is directed to proceed further in C.C.No.7833 of 2019 as per law.

8.Accordingly, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petition is also closed.

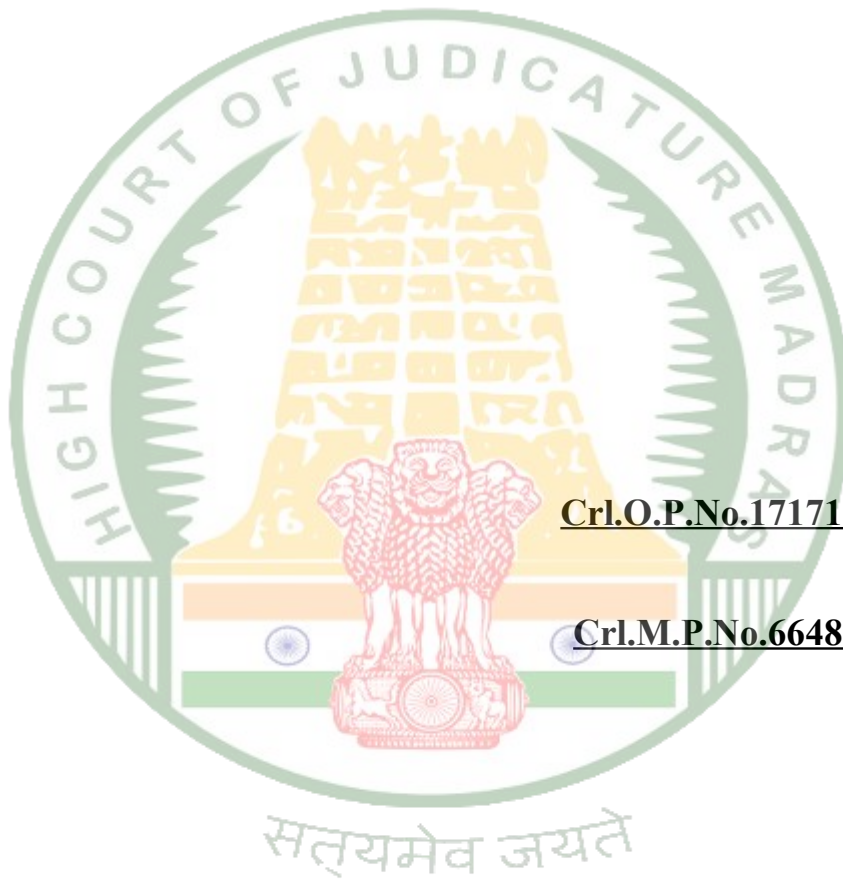
30.11.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
vsn
To

1. The CCB Metropolitan Magistrate Court,
Egmore, Chennai,
2. The Inspector of Police,
Central Crime Branch EDF II, Team IV,
Vepery, Chennai-600 007

3. The Public Prosecutor,
Madras High Court, Chennai.

T. RAVINDRAN, J.
vsn



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