



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P. No.13550 of 2015

Varaaki

... Petitioner

Vs.

1. The State
The Inspector of Police (L&O),
Vishnu Kanchi Police Station,
Kanchipuram District.
2. The Government of Puducherry,
rep. by its Secretary to Government,
Law Department, "B" Block,
1st Floor, Chief Secretariat Complex,
Goubert Avenue (Beach Road)
Puducherry.

... Respondent

(Impleaded as 2nd respondent vide order dated 09.07.2015 of this Court made in Crl. M.P. No.1 of 2015 in Crl. O.P. No.13550 of 2015.

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned District Court, Puducherry, to issue the certified copy of FIR, Final Report, 161 Statement of all PWs and defence witness, Counter affidavit, written arguments, accused written Arguments, Judgment and other documents in S.C. No.94 of 2005.

For Petitioner : Mr.B.Janakiram

For Respondent : Mr. Bharat Chakravarthi
(Public Prosecutor- Pondy)

O R D E R

This Criminal Original petition has been filed under Section 482 Cr.P.C. to direct the learned District Court, Puducherry, to issue the certified copy of FIR, Final Report, 161 Statement of all PWs and defence witness, Counter affidavit, written arguments, accused written Arguments, Judgment and other



documents in S.C. No.94 of 2005.

2. The case of the petitioner is that the petitioner has filed the petition to get the certified copy of FIR, Final Report, 161 Statements of All PWs and defence witness, Counter Affidavit, written Arguments, Accused written arguments, Judgment and other documents in S.C.No.94 of 2005. No prejudice will be caused to the respondent, if the copies of these documents were furnished to the petitioner. However, the copy application filed by the petitioner was returned on 13.01.2015 asking for affidavit on 19.01.2015. It was complied with and represented by the the petitioner herein. However, it was returned again for want of correct provision of Law and specific description of document with date mentioned therein. It was also complied with by the petitioner herein. But, the learned Judicial Officer again returned the copy application as the previous return was not complied with. Even though the petitioner is not a party in the above S.C. No.2005, the petitioner has filed this petition under Section 482 of Cr.P.C. seeking for issuance of documents related to the S.C. No.94 of 2006.

3. It has been further submitted that in view of the observation of the Hon'ble Supreme Court made in the case of "Rathinam Vs. State of Tamil Nadu", any Citizen has got locus to set the Criminal Law in motion including filing revision petition or appeal against the order of acquittal passed by the Sessions Court. As far as the prosecution is concerned, the criminal proceedings was dropped in the above matter for filing appeal against the order of acquittal. The petitioner is willing to file appropriate appeal against the order of acquittal in the above matter in support of the Hon'ble Supreme Court Judgment in the Subramaniaswamy case. Hence, this Court may pleased be to direct the learned District Court, Puducherry, to issue the aforesaid certified copies as prayed for.

4. The learned Public Prosecutor (Pondy) would submit there is no objection for obtaining the said certified copies since any citizen has got right to receive the certified copies in the Criminal case which was already decided by the Court of Law.

5. It has further been submitted that the appropriate copy application ought to have been filed by the petitioner without any defence and the same can be considered by the Court below.

6. Heard, the learned Counsel for the petitioner and the learned Public Prosecutor (Pondy) for the respondent as well as perused the material available on record.



7. On a perusal of the record, it is seen that in the petition filed by the petitioner, the certificate copy of FIR, Final Report, 161 Statement of all PWs and defence witness, Counter affidavit, written arguments, Accused written arguments, Judgment and other documents in S.C. No.94 of 2005 were required to issue to the petitioner even though he was not a party in the aforesaid case. However, the copy application filed by the petitioner was returned for not complying with the requirement of the registry for three times.

8. On going through typed set of papers, it is seen that the Principal District Judge, has returned himself the copy application for not complying with the requirement of the Registry.

9. In view of the submission made by the learned Public Prosecutor and the matter was already decided by the Court of Law, there is no doubt that all the documents sought for by the petitioner/third party are only public documents. They do not fall under the classified information category. In the event of issuance of the certified copy as required by the petitioner, it would not jeopardise the interest of Justice and hence, the petitioner is directed to approach the Court below without any defence by way of filing a fresh copy application in accordance with Law after complying with the requirements as in the previous copy application made by the Court below. At the same time, the Court below is directed to consider the fresh copy application in accordance with law and issue the relevant papers which are permissible in Law within a period of eight weeks from the date of receipt of copy of this order.

10. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed if any.

Sd/-
Assistant Registrar(CO-VI)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Inspector of Police (L&O),
Vishnu Kanchi Police Station,
Kanchipuram District.



- +3cc to Mr. B. Janakiram, Advocate, S.R.No.36593

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