

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.03.2021
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.6006 of 2021

T.Russel Raj

... Petitioner

Vs.

The Inspector of Police,
N-1, Royapuram Police Station,
Chennai - 13.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed in Crl.A.No.631 of 2021 dated 03.03.2021 and permit me to obtain certified copy of the document mentioned therein in the copy application No.631 of 2021 on the file of XVI Metropolitan Magistrate Court, George Town, Chennai.

For Petitioner : Mr.C.Rajan
For Respondent : Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed for a direction to the Court below to entertain the copy application filed by the petitioner and to furnish the petitioner with all the documents that are mentioned in the copy application.

2. The case of the petitioner is that he was added as an accused in Crime No.237 of 2015 and on completion of the investigation, a final report has been filed before the Court below. The further case of the petitioner is that the Court below after taking cognizance of the final report, issued summons to the accused persons and the petitioner also appeared before the Court below on 24.02.2021. The further case of the petitioner is that he was only furnished with the copy of the final report and the documents relied upon by the prosecution was not given to the petitioner.

3. The petitioner therefore applied for the certified copies of the documents filed along with the final report by filing a copy application in C.A.No.631 of 2021. The grievance of the petitioner is that the Court below did not entertain this copy application and the same was rejected on the ground that since the documents have not been marked, the same cannot be

furnished to the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

5. In the considered view of this Court, the petitioner is entitled for the certified copy of all the documents that are relied upon by the prosecution while filing the final report. The law on this issue is well settled and in fact, the Criminal rules of practice itself provides for such a right to the accused persons. Therefore, the Court below was not right in rejecting the copy application filed by the petitioner.

6. In view of the above, there shall be a direction to the Court below to entertain the application filed by the petitioner and furnish the certified copy of all the documents that are relied upon by the prosecution and that was filed along with the final report.

7. This Criminal Original Petition is disposed of with the above directions. The Registry is directed to return the original copy application to the learned counsel for the petitioner after retaining a copy of the same, to enable the petitioner to re-present the copy application along with a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
N-1, Royapuram Police Station,
Chennai - 13.

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

3. The Section Officer
BR Section,
High Court, Madras

CrI.O.P.No.6006 of 2021

PCH(CO)
NS(10/05/2021)