

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.19555 of 2020
and Crl.MP.No.7912 of 2020

1.Dhibu Heemalal ..1st Petitioner/Accused -1

2. Shanthalakshmi ..2nd Petitioner/Accused 2

Vs.

State of Tamil Nadu
Rep.by The Inspector of Police,
Central Crime Branch EDF II, Team IV,
Vepery, Chennai-7. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No.7832 of 2019 on the file of the CCB Metropolitan Magistrate Court, Egmore, Chennai and set aside the impugned order of framing charges dated 09.03.2020 insofar as the petitioner is concerned.

For Petitioners : Mr.N.S.Thanumadhan

For Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This petition has been filed challenging the charges framed by the Court below on 09.03.2020 on the ground that the petitioners have not been served with the copies sought for by them under Section 207 of Cr.P.C.

2. The petitioners had approached this Court and filed a petition in Crl.OP.No.17171 of 2020 challenging the charges framed against them in C.C.No.7833 of 2019 on the very same grounds. This Court allowed the Criminal Original Petition by an order dated 30.11.2020. This Court had set aside the charges framed against the petitioners and directed the documents to be furnished to the petitioners under Section 207 of Cr.P.C. and thereafter, frame the charges against the petitioners. The above order will squarely apply to the facts of the present case also.

3. The learned Additional Public prosecutor, on instructions, submitted that copies of the documents have been served on the petitioners on 04.01.2021.

4. The Court below ought to have ensured that the copies were served on the petitioners under Section 207 of Cr.P.C. before charges are framed. In spite of the fact that the petitioners were not served with the copies, the Court below has proceeded to frame charges. The same requires the interference of this Court.

5. In view of the fact that the petitioners have been served with the papers on 04.01.2021, the requirement under Section 207 of Cr.P.C. has been fulfilled. The charges framed by the Court below on 09.03.2020 is hereby set aside. The Court below shall proceed to frame fresh charges against the petitioners within a period two weeks from the date of receipt of a copy of this order.

6. This Criminal Original Petition is allowed with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Central Crime Branch EDF II, Team IV,
Vepery, Chennai-7.

2. The CCB Metropolitan Magistrate Court, Egmore, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.N.S.Thanu Madhan, Advocate, Sr.No. 16951

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GPL(CO)
RMP(31/03/2021)