



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.9479 of 2021

and Crl.M.P(MD)No.4823 of 2021

Thangapandiyan

... Petitioner/Petitioner

Vs.

The State rep. by
The Inspector of Police,
C.B.C.I.D - South
Kanyakumari District
(Crime No. 8 of 2020)

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the return endorsement dated 17.05.2021 made by the learned Sessions Judge (Mahila), Nagercoil, Kanyakumari District in S.C.No.41 of 2021 pending on his file on a petition filed under Section 207 Cr.P.C and consequently direct the aforesaid learned Judge to furnish the documents pertaining to the pages starting from 1 and ending at 269 in the charge sheet.

For Petitioner	: Mr.R.Anand
For Respondent	: Mr.R.M.Anbunidhi Additional Public Prosecutor

O R D E R

This petition has been filed to set aside the return endorsement dated 17.05.2021 made by the learned Sessions Judge (Mahila), Nagercoil, Kanyakumari District in S.C.No.41 of 2021 and for consequential direction to the learned Judge to furnish the documents pertaining to the pages starting from 1 and ending at 269 in the charge sheet.

2. The point involved in this matter is very simple. The petitioner is the accused in S.C.No.41 of 2021 before the Sessions Judge, Mahila Court, Nagercoil. Through 207 Cr.P.C proceedings, he is supplied with the copies. On verification it was found that only pages 270 to 386 have been furnished to him and the pages from 1 to 269 have not been furnished. Hence, he filed a petition under Section 207 Cr.P.C for getting the missing pages. It came to be returned by the Sessions Judge, Mahila Court, Nagercoil stating that memo to be filed along with the documents.

3. When the matter was taken up for hearing on 22.07.2021, this Court received a report from the Sessions Judge as to the return



endorsement. In pursuance thereof, a report dated 09.08.2021 has been sent wherein it has been mentioned that if the learned counsel for the accused re-presents the returned petition along with list of omitted documents, the court is ready to furnish the same.

4. On a perusal of the petition, it is seen that the learned counsel has properly mentioned the omitted documents in the petition. On that basis, the order of return appears to be not proper. On that ground, the docket order of return dated 17.05.2021 is set aside.

5. The petitioner is directed to re-present the papers before the concerned court. After clearly perusing the petition, the Sessions Judge, Mahila Court, Nagercoil, shall furnish the eligible documents as per Rules. The said exercise shall be completed within a period of 15 days from the date of filing of the petition. The Registry is directed to return the original petition to the counsel for the petitioner for re-presentation after obtaining due acknowledgement.

6. The learned counsel for the petitioner would submit that the case is posted on 19.08.2021 for framing of charges and due to non-availability of missing documents, the petitioner would be prejudiced if the charges are framed on that day. Hence, he seeks a direction.

7. There shall be a direction to the learned Sessions Judge, Mahila Court, Nagercoil, to keep framing of charges in abeyance till the disposal of the petition, which is going to be re-presented by the petitioner.

8. With the above directions, this petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Inspector of Police,
C.B.C.I.D - South
Kanyakumari District

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to :

The Sessions Judge,
Mahila Court,
Nagercoil.

+1 CC to M/s.C.JOSEPH SATHIANESON, Advocate (SR-26193[F] dated
12/08/2021)

Crl.O.P. (MD)No.9479 of 2021
and Crl.M.P(MD)No.4823 of 2021
12.08.2021

MGJ(25.08.2021) 3P 5C