



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.18916 of 2021

K.M.Akbar Ali

... Petitioner

Vs.

State through
The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Munsif Cum Judicial Magistrate, Ilayangudi to positively entertain the copy applications filed by the petitioner in respect of Crime No.352 of 2021 on 30.09.2021, 01.10.2021, 11.10.2021, 18.10.2021, 22.10.2021 and 23.10.2021 and supply the documents seeking in the copy applications.

For Petitioner : Mr.S.Siva Ilayaraja
For Respondent : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

The petitioner is figuring as accused in Crime No.352 of 2021 registered on the file of Ilayangudi Police Station. He submitted the petition mentioned copy application and he wants this Court to direct the jurisdictional Magistrate to entertain the copy application and issue the documents sought for.

2.Rule 231 of the Criminal Rules of Practice, 2019, reads as follows:-

231. Grant of certified copies of other documents.?

(1) Certified copies of the following documents shall be given to the accused on payment of necessary charges, before the filing of the final report (charge sheet) by the police:?

(i) Orders made on the remand report.

(ii) Affidavit filed by the police officer for police custody of the accused and the orders passed by the Magistrate thereon. Until the Magistrate passes the order for police custody, the accused is not entitled to a copy of that affidavit.

(iii) The accused, notwithstanding the



communication of the full particulars in writing at the time of arrest or subsequent thereto, is entitled to a copy of the First Information Report even before the final report (charge sheet) is forwarded to the Magistrate under subsection (2) of section 173 of the Code on application and on payment of charges. The accused is not entitled to certified copies of the inquest report, statements recorded under section 174 of the Code, post-mortem certificate, requisition by the police officer to the Medical Officer for conducting post-mortem and medically treating the injured, wound certificate, rough sketch of the scene of occurrence and observation mahazar prepared by the investigating officer before the final report (charge sheet) is filed.

(2) On the same principle, the statements of witnesses recorded under section 161 of the Code and copies of wound certificates shall not be given to the accused until the final report (charge sheet) is filed by the police.

(3) Certified copies of photocopies of unmarked documents shall not be given."

3.The learned jurisdictional Magistrate will issue those documents, which the accused is entitled to in terms of Rule 231 of the Criminal Rules of Practice, 2019. The petitioner will not be entitled to other documents.

4.The criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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.



To:

1. The Munsif Cum Judicial Magistrate, Ilayangudi

2. The District Munsif Cum
Judicial Magistrate,
Ilayangudi.

3. The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

3. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.S.SIVA ILAYARAJA, Advocate (SR-36699[F] dated
01/12/2021)

Crl.O.P (MD) No.18916 of 2021
01.12.2021

TSK(CO)
KB(22.12.2021) 3P 5C