



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.R.C.No.313 of 2022
and Cr1.M.P.No.3289 of 2022

A.Muthukumar ... Revision Petitioner

Vs.

State Rep. By
The Inspector of Police,
EOW-II, Coimbatore.
(Crime No.1 of 2016)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, against the order dated 08.02.2021 made in Cr.M.P.No.2601 of 2021 in C.C.No.5 of 2017, on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore.

For Revision Petitioner : Mr.E.P.Senniyangiri

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)

O R D E R

This Criminal Revision Case has been filed to set aside the order dated 08.02.2021, passed in Cr.M.P.No.2601 of 2021 in C.C.No.5 of 2017 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore.

2. The petitioner is an accused in C.C.No.5 of 2017 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore. The said case has been registered against the petitioner for the offence punishable under Sections 120(B), 420 of IPC and Section 5 of TNPID Act, 1997. Admittedly, as of now, the said case is posted for the examination of defence witnesses. In the said occasion, the petitioner filed a petition before the trial Court under Section 45 of Indian Evidence Act, praying to send Ex.244-Laptop to Forensic Science Department for getting expert opinion. The said petition



filed by the petitioner in Cr.M.P.No.2601 of 2021 was dismissed vide order dated 08.02.2021, against which the present Criminal Revision Case has been preferred.

3. The learned counsel appearing for the petitioner would submit that during the time of investigation, the respondent police recovered the petition mentioned Laptop from the petitioner and afterwards, the same has not been produced before the Court. Only at the time when the case was posted for examination of investigation Officer, the said Laptop was produced before the Court and the same was marked as Ex.244. In the said circumstances, the datas/files stored in the said Laptop will prove that the petitioner is an innocent person and he has not committed the offence as alleged by the prosecution. But, the learned Special Judge, without considering the same in a positive manner, dismissed the petition, which is erroneous in law.

4. The learned Government Advocate (Crl.Side) appearing on behalf of the respondent police, raised objection stating that the petition mentioned application has been filed belatedly without any reason. Furthermore, when at the time of giving evidence as DW1, the petitioner herein did not say anything about the particulars of Laptop, which was alleged to have been recovered by the police. So, without giving evidence as the said Laptop is an important material to prove his innocence, the petitioner herein filed a petition before the trial Court praying to send the same to Forensic Science Department for getting expert opinion. The said attempt made by the petitioner is nothing but, an attempt to protract the entire proceedings before the trial Court.

5. Submissions made by the learned counsel appearing on either side, are considered.

6. In the impugned order passed by the trial Court, in paragraph No.7, it was observed as follows:

".... On scanning of the records, this Court finds that the investigating officer has clearly deposed that no files were available in the said laptop. During cross examination, PW81 was suggested that the photographs and videographs disclosing the payment made to the land owners by the depositors were deleted by him, which were stored. Subsequently, the petitioner/A2 was also permitted by this Court to open the laptop and check those photographs and videographs or other



WEB COPY

regard, the trial Court after made a clear observation as the petitioner herein filed this petition with a view to delay the proceedings, dismissed the petition. Therefore, the findings rendered by the trial Court is with full of reasons and hence, the factual aspects now narrated by the petitioner cannot be decided, after recording the evidence.

10. In view of the above discussion, I am of the considered opinion that the impugned order passed by the learned Special Judge, Special Court under TNPID Act, Coimbatore, is not perverse and an erroneous one. Accordingly, this Criminal Revision case is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

ars

To

1. The Special Judge,
Special Court under TNPID Act,
Coimbatore.
2. The Inspector of Police,
EOW-II, Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.P.Senniyangiri, Advocate SR.No.18412

Cr1.R.C.No.313 of 2022

SSV(CO)
GMY(01/04/2022)