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Crl.O.P.No.1513 of 2023

and

Crl.M.P.No.854 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on 27.01.2023	Orders pronounced on .03.2023
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CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.1513 of 2023

and

Crl.M.P.No.854 of 2023

1. Venkataramana
2. Shan Basha
3. Syed Roshan ... Petitioners

Vs.

The Inspector of Police
CBCID
Krishnagiri
Krishnagiri District.

... Respondent

This Criminal Original Petition is filed under Section 482 Cr.P.C. praying to set aside the impugned order in Crl.M.P.No.42 of 2023 in S.C.No.38 of 2019 dated 11.01.2023 on the file of Additional District Sessions Judge, Hosur.

For Petitioners : M/s.K.Ramanatha Reddy



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For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This petition is filed for setting aside the order of rejection passed in Crl.M.P.No.42 of 2023 in S.C.No.38 of 2019 dated 11.01.2023 on the file of Additional District Sessions Judge, Hosur.

2. Learned counsel for the petitioners submitted that the petitioners are accused (A2, A8 and A12) in S.C.No.38 of 2019. Petitioners were furnished copies of the documents under section 207 Cr.P.C in Tamil. Petitioners could not read or write Tamil language because they are not conversant with Tamil language. Unmindful of the Articles 21 and 22 of the Constitution of India, copies of the documents have been furnished to them mechanically in a language, which is foreign to them. Therefore, they filed a petition for supplying copies of the documents in Telugu language. That petition was rejected by the learned Additional District Judge, Hosur in Crl.M.P.No.42 of 2023. Challenging the rejection order, they filed this



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WEB COPY Criminal Original Petition. Learned counsel for the petitioners further submitted that unless petitioners know what are the allegations made in the complaint and the final report against them, what are the statements given by the witnesses against them, in the language known to them i.e., Telugu language, it is not possible for petitioners to understand the case against them and give suitable instructions to his Advocate to defend them. Merely because their Advocate knows Tamil and their Advocate conducts the case on their behalf, it is not a ground for rejecting their genuine claim of seeking the documents in Telugu language. Ever since from the date of arrest, accused are entitled to know the reason for arrest in the language known to them and every other incriminating circumstances available against them. If the copies of the documents relied by the prosecution are not given in Telugu language to them, they could not be in a position to make up a proper defence and that would certainly deprive them of their life and personal liberty. It is not permissible under the law. Thus, rejection of Crl.M.P.No.42 of 2023 is not correct and thus, he prayed for setting aside the order and for a direction to supply copies of the documents relied by the prosecution in Telugu language.



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WEB COPY In support of his submission, he pressed into service following judgments/orders:-

(i) AIR 1962 SC 911 (Harikisan ..vs.. State of Maharashtra and others) wherein it is observed as follows:-

“5. His argument further was that "communication" of the grounds was not equivalent to serving the-grounds in English upon a person who was not conversant with the English language, and that oral translation by the police officer, said to have been made to the detainee, was not sufficient compliance with the requirements of the constitutional provisions, which, must be fully satisfied in order that the detainee may be in a position to make an effective representation against the order of detention. He also contended that we do not know in what terms the police officer translated the lengthy document or whether his translation was



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correct.

6.

7.*The learned Attorney-General has tried to answer this contention in several ways. He has first contended that when the Constitution speaks of communicating the grounds of detention to the detenu, it means communication in the official language, which continues to be English; secondly, the communication need not be in writing and the translation, and explanation in Hindi offered by the Inspector of Police, while serving the order of detention and the grounds, would be enough compliance with the requirements of the law and the Constitution; and thirdly, that it was not necessary in the circumstances of the case to supply the grounds in Hindi. In our opinion, this was not sufficient compliance in this case with the requirements of the*



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Constitution, as laid down in Clause (5) of [Article](#)

[22](#). To a person, who is not conversant with the

English language, service of the order and the

grounds of detention in English, with their oral

translation or explanation by the police officer

serving them does not fulfil the requirements of the

law. As has been explained by this Court in the case

of [State of Bombay v. Atma Ram Sridhar](#)

[Vaidya](#) [1951] S.C.R. 167 : S.C. 53 Bom. L.R. 437,

Clause (5) of [Article 22](#) requires that the grounds of

his detention should be made available to the

detenue as soon as may be, and that the earliest

opportunity of making a representation against the

order should also be afforded to him. In order that

the detenue should have that opportunity, it is not

sufficient that he has been physically delivered the

means of knowledge with which to make his



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representation. In order that the detenue should be in a position effectively to make his representation against the order, he should have knowledge of the grounds of detention, which are in the nature of the charge against him setting out the kinds of prejudicial acts which the authorities attribute to him. Communication, in this context, must, therefore, mean imparting to the detenue sufficient knowledge of all the grounds on which the order of detention is based. In this case the grounds are several, and are based on numerous speeches said to have been made by the appellant himself on different occasions and different dates. Naturally, therefore, any oral translation or explanation given by the police officer serving those on the detenue would not amount to communicating' the grounds. Communication, in this context, must mean bringing home to the detenue



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effective knowledge of the facts and circumstances on which the order of detention is based.

8. We do not agree with the High Court in its conclusion that in every case communication of the grounds of detention in English, so long as it continues to be the official language of the State, is enough compliance with the requirements of the Constitution. If the detained person is conversant with the English language, he will naturally be in a position to understand the gravamen of the charge against him and the facts and circumstances on which the order of detention is based. But to a person who is not so conversant with the English language, in order to satisfy the requirements of the Constitution, the detenue must be given the grounds in a language which he can understand, and in a script which he can read, if he is a literate person.



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9. The Constitution has guaranteed freedom of movement throughout the territory of India and has laid down detailed rules as to arrest and detention. It has also, by way of limitations upon the freedom of personal liberty, recognised the right of the State to legislate for preventive detention, subject to certain safeguards in favour of the detained person, as laid down in Clauses (4) and (5) of [Article 22](#). One of those safeguards is that the detained person has the right to be communicated the grounds on which the order of detention has been made against him, in order that he may be able to make his representation against the order of detention. In our opinion, in the circumstances of this case, it has not been shown that the appellant had the opportunity, which the law contemplates in his favour, of making an effective representation against his detention. On this ground



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alone we declare his detention illegal, and set aside the order of the High Court and the order of detention passed against him.”

(ii) MANU/TN/1185/1994 (Lakshmi ..vs.. Deputy Superintendent of Police) wherein it is observed as follows:-

“21. Mr. R. Sankarasubbu has not disputed, that initially, the documents sought to be relied upon by the prosecution were supplied to Velu under his acknowledgment on 10.5.1993. Once a grievance was expressed before the Designated Court, that some of the documents were in English, a language not known to Velu, the Designated Court had directed the investigating agency, to supply translation of those documents in Tamil, the only language known to the accused. There is also no dispute, that those documents in English were translated in Tamil and the



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copies of the same were furnished to Velu on 31.8.1993. As a matter of fact, Mr. R. Sankarasubbu showed before us a yellow paperbook, which contains translated copies of the whole of English documents. Therefore, it is clear that the accused, through his counsel, was and is in possession of those documents in English, relied upon by the prosecution, supplied to him in Tamil, at his request The only defect appears to be, that the accused, through his counsel, had chosen to return the pink paperbook supplied to him, containing the entire documents sought to be relied upon by the prosecution, on 10.5.1993, while pleading for supply of certain portions of those documents, in Tamil language. It appears rather odd as to why the defence counsel had chosen to return the original paperbook to the Court and it is equally astonishing as to how the Designated Court had allowed those



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papers to be taken back by Court officials. Furnishing of documents to the accused is not an empty formality. A duty is cast upon Court, to satisfy itself, that all documents sought to be relied upon by the prosecution, stood supplied to the accused concerned, so that he will not be taken by surprise, in the conduct of his defence. Documents are supplied to accused concerned, under acknowledgement and such acknowledgements, unless open to doubt, can safely be taken as acceptance of receipt of all documents concerned by the accused, to enable him to enter into his defence. If the accused had any grievance, that part of those documents needed Tamil translation and to that course Designated Court was also agreeable, we are unable to visualise any need for the accused through his counsel to have returned the original paperbook, for while retaining the same, he could



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have asked for supply of that part of the documents which were in English, to be translated in Tamil. That is the only legitimate approach, that could have been made, to have the grievance redressed. If documents are supplied to the accused, under acknowledgement by him, and they stand returned, then he certainly owed a duty to have such return acknowledged by the Court concerned. As long as that is not done, it can always be presumed, that official acts were properly performed, and the claimed return of the documents to the Designated Court, can only be in the realm of imagination. However, in the instant case, counsel, as well as the Court, had acted, not in accordance with law, but in a totally irresponsible pattern. We are constrained to state "irresponsible", for the court's time, had been wasted for quite a length, to hear arguments, at Section 227, Cr.P.C. stage, which we



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are now bound to set aside and send for a re-hearing, for the order passed by the Designated Court in Crl. M.P. No. 193 of 1993 on 28.9.1993, reads that "copies returned by the petitioner, are returned herewith" meaning, that copies of documents returned by the petitioner to the Court, stood returned on 28.9.1993. If charges had been framed on 14.9.1993 and a portion of the case record stands returned to the petitioner on 28.9.1993, it is apparent that when arguments were heard at Section 227, Cr.P.C. stage, accused did not have the advantage of possessing all the documents, on which the prosecution had chosen to place reliance. The Designated Court, did owe a duty, to have satisfied itself, that the original paperbook containing the entire record was in the possession of the petitioner, when Tamil translated copies in the form of another paperbook was supplied



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to him. The procedure adopted by counsel and Court reminds us of playing ducks and drakes. Of course, it was pointed out by learned Additional Public Prosecutor, that on 28.9.1993, Designated Court had directed the petitioner to lake back copies returned, within three days, which was not only not done but the petitioner had chosen to prefer an application under section 227, Cr.P.C., over again. We are unable to understand the object behind preferring an application under Sec. 227, Cr.P.C., when the counsel had chosen to agitate the same question before us in this Habeas Corpus Petition. Does it mean, that the petitioner was attempting to create for himself another opportunity to approach this Court, by way of another cause, be it on writ side or criminal side. Irrespective of divergent stands, taken by parties concerned, about the availability of documents in full,



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at the time when the charges were framed, we are of the firm opinion that accused Velu, must be furnished an opportunity to advance arguments, before framing of charges or otherwise, since we find in the Court records summoned from the Designated Court, the pink paperbook containing entire documents, initially supplied to this accused Velu. Such presence of this paperbook in Court record does show, that the enure records were not available with the petitioner at the time when arguments were advanced before framing of charges. Whatever may the object or modus operandi adopted by the accused, the Designated Court did owe a duty to have stop such unsavory infringements, of procedural safeguards, either-way, one afforded to the accused concerned and the other available for confirming adoption of due process of law in the conduct of a fair trial. It is often said that



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justice must not only be done, but must seem to be done as well. Keeping that salutary principle in view, we quash the charges framed on 14.9.1993 and direct the Designated Court to afford sufficient opportunity to the prosecution and the defence, to put forth their respective cases, and then act in accordance with law.”

(iii) MANU/DE/3601/2018 (Gautam Navlakha ..vs.. State (NCT of Delhi) and Others) wherein it is observed as follows:-

14. A combined reading of the above provisions shows that Article 22(2) of the Constitution, and Section 56 read with Section 57 of the Cr.P.C., envisage the production of a person arrested before the concerned Court within a period of 24 hours, excluding the time necessary for the journey from the place of the arrest to the Court of the concerned Magistrate before whom the arrested person is required to be produced 'without



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unnecessarily delay'. Under Section 57 Cr.P.C. the period of detention by the police officer cannot exceed 24 hours 'in the absence of a special order of a Magistrate under Section 167 Cr.P.C.

.....

15. Therefore, when a person who after arrest is required to be produced before a jurisdictional Judicial Magistrate is detained in a place which is away from that jurisdiction, and therefore cannot be produced before the jurisdictional Magistrate within 24 hours, as mandated both by Article 22(2) of the Constitution and by Section 57 Cr.P.C., he will be produced before the 'nearest Judicial Magistrate' together with 'a copy of the entries in the diary'. Therefore, even before a Magistrate before whom a transit remand application is filed, the mandatory requirement of Section 167(1) Cr.P.C. is that a copy of the entries in the case diary should also be produced. It is on that basis that under Section 167 such 'nearest Judicial Magistrate' will pass an order authorising the detention of the person arrested for a term not exceeding 15 days in the



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whole. Where he has no jurisdiction to try the case and he finds further detention unnecessary, he may order the accused to be forwarded to the jurisdictional Magistrate.

16. Thus it is clear that even Magistrate before whom a transit application is filed is not required to merely satisfy himself that an offence has been committed and that the police officer seeking a remand is properly authorised.

17.....

18.....

19. The above observations have to be understood in light of the mandatory requirement of Section 41(1)(ba) Cr.P.C. which requires the Magistrate that remand is being sought because of the reasonable suspicion that the person arrested has committed a cognizable offence punishable with an imprisonment for a term exceeding seven years and that the investigating has 'credible information' that the person



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arrested 'has committed a cognizable offence'. While it is true that at this stage the Magistrate examining the transit remand application is not required to go into the adequacy of the material, he should nevertheless satisfy himself about the existence of the material.

20. Another mandatory procedural requirement for the Magistrate considering a transit remand application is spelt out in Article 22(1) of the Constitution. This entitles the person arrested 'to be informed as soon as may be of the grounds of such arrest.' Further the Magistrate has to ensure that the arrested person is not denied 'the right to consult, and to be defended by, a legal practitioner of his choice.' The Magistrate should ask the person arrested and brought before him whether in fact he has been informed of the grounds of arrest and whether he requires to consult and be defended by any legal practitioner of his



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choice.

21. The above mandate of Article 22(1) of the Constitution has been further reiterated by the Supreme Court in D.K. Basu v. Union of India MANU/SC/0157/1997 : (1997) 1 SCC 416.”

and

(iv) This Court Order dated 26.04.2021 passed in Crl.R.C.No.1055 of 2019 (Shaik Mohamed Sadiq ..vs.. The State represented by Inspector of Police) wherein it is observed as follows:-

“12. It is settled proposition of law that at the stage of framing charge, the court has to look into the final report filed by the investigating officer u/s.173 Cr.P.C., and documents annexed with and not defence whatsoever. The defence taken by the accused cannot be gone into and which can be decided after recording the evidence and not at this



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stage. As far as furnishing of the documents in the language which is not known to the petitioner is concerned, it cannot be decided u/s.227 Cr.P.C. The petitioner is at liberty to pursue the issue. If at all the petitioner does not know the language in the documents which was furnished to him, he can get advice from his counsel. If both the accused and advocate are not knowing the language, they can very well file petition for translated copy. It is settled proposition of law that every criminal case has to be decided on the basis of the facts and evidence available and not on precedence. Hence, this court finds that there is no violation of mandatory provisions of law and there is no merit in the revision and the revision is liable to be dismissed. ”

3. In response, learned Government Advocate (Crl. Side) submitted



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that petitioners are A2, A8 and A12 in S.C.No.38 of 2019 and charged for the offence under sections 379, 120(B), 341, 364, 395 and 302 IPC. In the said case, the accused committed criminal conspiracy for committing dacoity and assaulted the drivers Saravanan and Srikanth @ Kandasamy of the lorry bearing registration number TN 28 AM 6824 with iron rod on their head and committed the murder with a view to take away the copper plates. The dead bodies of the drivers were thrown in Pambaleru river at Goodur on Chennai to Hyderabad Highway. Petitioners conspired and assisted in smuggling the copper plates and murdering the drivers. Petitioners engaged an Advocate in Hosur, who is conversant with Tamil language. Hosur is the border area of Andhra Pradesh and Karnataka and petitioners also know Tamil. The copies were furnished to the accused under section 207 Cr.P.C and the Charges were framed against the accused. Therefore filing of the petition for seeking copies of the documents in Telugu language is nothing but an abuse of process of Court with a view to protract the proceedings. The trial court can make arrangements under section 279 Cr.P.C to interpret the evidence, if the evidence is not understood by the accused and if it is in the language other



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than the language spoken by the accused. Petitioners have taken a stand that based on the confession statement, they have been falsely implicated in this case. It shows that they are aware of the case against them and the incriminating materials available against them. The petition was rightly dismissed and therefore, learned Government Advocate (Crl. Side) prayed for dismissal of this petition. In support of his submission, he relied on the following judgments reported in:

(i) **MANU/TN/0077/1988 (Arputharaj ..vs.. State)** wherein it is observed as follows:-

“9. It follows from the above decisions that if the statements were recorded in the language of the witnesses then furnishing of translation of those statements will not amount to furnishing copies of the statement as required under section 207 of Cr.P.C. In short furnishing of translation copies cannot be equivalent to the furnishing of copies as required under section 207 of Cr.P.C. A plain



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reading of section 207 of Cr.P.C. will show that translation is not the duty of the court and only furnishing of the copies is the duty of the court. In the present case no prejudice was caused to the petitioner/A4 since it is not stated nowhere in the affidavit of the petitioner that his advocate did not know English and so he was not able to translate such of these documents in English in to Tamil to the petitioner/A4. ”

(ii) MANU/TN/0957/2000 (K.Natarajan ..vs.. State) wherein it is observed as follows:-

11. Factually, in this case, it is stated that the petitioner has engaged a counsel who is well-versed in English language. The learned Public Prosecutor pointed out that the affidavit filed before the Special Court asking for Tamil Copy of



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the document is only in English. It is also pointed out that the petitioner has filed Cr.M.P. No. 780 of 1999 for discharge. The affidavit filed in support of the said petition is also in English. When the petitioner can understand English to the extent of giving an affidavit and when he has legal assistance of an advocate who is well-versed in English, it cannot be said that he actually needs the documents to be translated in his language. India is a country which has all the riches, wealth, climates and cultures, where eighteen languages are recognised as official language. If persons belonging to various States speaking various languages conjointly committed an offence, it cannot be said that the documents should be translated in eighteen languages or more depending upon the number of accused and the



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language spoken by them, and furnished to them. I am satisfied that provisions in Section 207 Cr.P.C. adumbrates only furnishing of copies and not translated copies. This Crl.O.P. is therefore dismissed.

(iii) MANU/TN/8381/2006 (K.S.Kumar and Ors. ..vs.. State)

wherein it is observed as follows:-

*“14. It is not as if the petitioners are transacting with the Court only in Tamil language. The petition itself has been filed in the language of English by the petitioner seeking copies of documents in Tamil version. They are not in judicial custody cut off from the normal life. They have engaged lawyers well versed in the language of English. **Section 207** of the Code of Criminal Procedure contemplates furnishing of copies of the*



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statements recorded and documents collected and not translated copies of such statements and documents. Further, if any error is committed by inadvertence in the translation, that will definitely be made as an issue by the accused with a view to elongate the process of trial. The petitioners, who have engaged competent lawyers, can seek their guidance with regard to the statements and documents in English. If necessary, the petitioners can go in for translation of those documents at their own cost for the purpose of better understanding of the course of trial.”

and

(iv) MANU/TN/3114/2010 (Anbu ..vs.. State) wherein it is observed as follows:-

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“7. On coming to the proviso to Section 207

Code of Criminal Procedure it does not say that the accused is entitled to be furnished with copies of the records translated in Tamil.

8. Obviously the learned Counsel appearing for the Petitioner is well versed in English language. It is not the case of the Petitioner that the learned Counsel appearing for him is not conversant with English. Besides this, the learned Counsel appearing for the Petitioner, who is conversant with the language of English, will also explain the Petitioner in Tamil about the ingredients of the charges, which are leveled against him. Therefore, the Petitioner need not apprehend that furnishing of copies of the records, documents and final report in English would cause prejudice to



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him.

9. In K. Natarajan's case 2000 (2) LWC 895, the learned single Judge of this Court has held that furnishing of translated copies cannot be equivalent to the furnishing of copies as required under Section 207 of Code of Criminal Procedure A plain reading of Section 207 of Code of Criminal Procedure would show that translation is not the duty of the Court and furnishing of the copies alone is the prime duty of the Court.

10. In so far as this petition is concerned, it is apparent that the petition is filed in English and not in Tamil. Keeping in view of the above finding, this Court's concluded view is that no purpose is going to be served in keeping protracting the proceedings



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without allowing the trial of the case to be commenced. Under this circumstance, the request of the Petitioner cannot be considered as he is not entitled to be furnished with the copies of the charge sheet translated in Tamil.”

4. Considered the rival submissions and perused the records.

5. The issue here is whether the accused / petitioner is entitled for the copies of the documents supplied to him under section 207 Cr.P.C in Telugu language, which is his mother tongue, on the ground that he does not know how to read or write Tamil. Section 207 Cr.P.C reads as follows:-

207. Supply to the accused of copy of police report and other documents:-

In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay furnish to the accused, free of cost, a copy of each of the following:-



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1. *the police report;*
 2. *the first information report recorded under section 154;*
 3. *the statements recorded under Sub-Section (3) of section 161 of all persons whom the prosecution proposes to examine as its witnesses, excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under Sub-Section (6) of section 173;*
 4. *the confessions and statements, if any, recorded under section 164;*
 5. *any other document or relevant extract thereof forwarded to the Magistrate with the police report under Sub-Section (5) of section 173;*
- Provided that the Magistrate may, after perusing any such pan of a statement as is*



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referred to in clause (iii) and considering the reasons given by the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be furnished to the accused;

Provided further that if the Magistrate is satisfied that any document referred to in clause (v) is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.

This section requires the Magistrate to supply, free of cost, the copy of the aforesaid documents. If any document is voluminous, the Magistrate shall direct the accused to inspect the document either personally or through pleader in the Court. There is no right provided to the accused to demand



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6. It is seen from the judgments produced by the learned Government Advocate (Crl. Side) that the accused cannot claim as a right to claim the translated copy of the document in his mother tongue. It is specifically observed in the order reported in ***MANU/TN/0957/2000 (K.Natarajan ..vs.. State) (cited supra)*** that India is a country where 18 languages were recognised as official languages. If persons belonging to various States speaking various languages conjointly committed an offence, it cannot be said that the documents should be translated in 18 languages or more depending upon the number of accused in the language spoken by them and furnished to them. Section 207 Cr.P.C requires only furnishing of copies and not translated copies.

7. Whereas the judgment relied by the learned counsel for the petitioner reported in ***AIR 1962 SC 911 (Harikisan ..vs.. State of***



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***Maharashtra and others)* (cited supra)** came to be delivered while deciding preventive detention case. In the said case, the detention order was in English and accused was not able to understand and asked for Hindi version. His request was not considered. In that circumstance, it was held that if detenu is not conversant with English language, in order to satisfy the requirements of the Constitution, detenu must be given the grounds in a language which can be understood by him.

8. Similarly in a case in ***MANU/DE/3601/2018 (Gautam Navlakha ..vs.. State (NCT of Delhi) and Others)* (cited supra)**, case diary was written in Marathi, which was not understood by accused and the Chief Metropolitan Magistrate while remanding that accused, came to the conclusion that non compliance of mandatory requirements of Article 22 (1) and Article 22(2) of the Constitution and Section 167 read with Section 57 and 41 (1) (ba) of Cr.P.C, which are mandatory in nature, is unsustainable and therefore, the transit remand was set aside.



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WEB COPY 9. In the judgment reported in ***MANU/TN/1185/1994 (Lakshmi***

..vs.. Deputy Superintendent of Police) (cited supra), it was only observed that if accused had any grievance that part of the document needed Tamil translation and to that course, Designated Court was also agreeable, we are unable to visualise any need for the accused through his counsel to have returned the original paper book, for while retaining the same, he could have asked for supply of that part of the documents, which were in English, to be translated in Tamil. That is the only legitimate approach that could have been made to have the grievance redressed. There is no mandate given to the Court to furnish the translated version of the documents.

10. Order dated 26.04.2021 passed in ***Crl.R.C.No.1055 of 2019 (Shaik Mohamed Sadiq ..vs.. The State represented by Inspector of Police) (cited supra)*** relates to discharge petition filed and the revision filed against the discharge. Only passing reference has been made that accused can very well file petition for translated copy. There is no finding that the accused is entitled for translated copy of the documents.



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11. None of the order produced by the learned counsel for the accused discussed the case situation where there was a direction to furnish translated version of copy of the documents under Section 207 Cr.P.C. in mother tongue of the accused and the entitlement of the accused for the translated version as a matter of right. We have seen from the order reported in ***MANU/TN/0957/2000 (K.Natarajan ..vs.. State) (cited supra)*** that if accused belonging to various States speaking various languages tried in a particular case, it is not possible to furnish copies of the documents relied by the prosecution under Section 207 Cr.P.C. in their respective mother tongue. Some accused are literate and some accused are illiterate. Almost and always the accused are defended by Advocate. Advocates know both the languages spoken in the State of Tamil Nadu ie., English and Tamil and they assist the accused in understanding the case of prosecution, the statement of witnesses and other necessary details concerning the case. Then the accused give suitable instructions to the Advocate for defending them. Thus, this Court is of the view that the accused is not entitled to claim as a matter of right the



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translated version of copies furnished under Section 207 Cr.P.C. in the mother tongue of the accused.

12. This Criminal Original Petition No.1513 of 2023 is filed by A2, A8 and A12 challenging the rejection order dated 11.01.2023 passed in Crl.M.P.No.42 of 2023 in S.C.No.38 of 2019, wherein the learned Additional District Sessions Judge, Hosur passed the order that, “Crl.M.P.No.314 of 2022 for same relief of Telegu Translation was dismissed on 07.11.2022. Hence, this petition is rejected.” Crl.M.P.No.314 of 2022 was filed by A5 seeking the same relief of translated version of copy of the documents under Section 207 Cr.P.C. in his mother tongue-Telugu and the same was dismissed by learned Additional Sessions Judge, Hosur on 07.11.2022. Challenging the same, A5 filed Crl.O.P.No.28266 of 2022 before this Court and this Court, by order dated 07.03.2023 (today), dismissed the Crl.O.P.No.28266 of 2022 and confirmed the order dated 07.11.2022 passed in Crl.M.P.No.314 of 2022 by learned Additional Sessions Judge, Hosur



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WEB COPY 13. In view of the above discussions, this Criminal Original Petition No.1513 of 2023 is dismissed and the the order dated 11.01.2023 passed in CrI.M.P.No.42 of 2023 in S.C.No.38 of 2019 on the file of Additional Sessions Judge, Hosur is confirmed. Consequently, connected Miscellaneous Petition is closed.

Mra
Index : Yes/No
Internet: Yes
Speaking Order : Yes/No

.03.2023

To

1. The Additional Sessions Judge
Hosur.
2. The Inspector of Police
CBCID
Krishnagiri
Krishnagiri District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

G.CHANDRASEKHARAN,J.



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mra

Pre-delivery order in
Crl.O.P.Nos.1513 of 2023
and
Crl.M.P.No.854 of 2023

.03.2023