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Crl.O.P. No.15502 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.15502 of 2023

M.Vinoth @ Vishal

...Petitioner

Vs

The State,
Rep. by the Inspector of Police,
H-2, Guduvanchery Police Station,
Guduvanchery – 603 202.
Chengalpattu District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to set aside Docket Return Order dated 05.12.2022 passed in Copy Application SR. No.7629 of 2022 on the file of the learned Judicial Magistrate No.2 at Chengalpattu.

For Petitioner : Mr.P.Kamarasu

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the Docket Order passed by the learned Judicial Magistrate No.II, Chengalpet refusing to entertain the Copy Application filed by the petitioner seeking for certified copies of certain documents filed in S.T.C.No.1961 of 2022.



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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. The petitioner is the de-facto complainant and based on his complaint an F.I.R. came to be registered in Crime No.203 of 2022. On completion of investigation, the final report was filed before the learned Judicial Magistrate No.II, Chengalpet and it was taken on file in S.T.C.No.1961 of 2022. The petitioner filed a Copy Application seeking for the certified copies of certain documents that was filed. The same was returned by the Court below stating that the accused has not made his appearance even once and hence the Copy Application is not maintainable. Aggrieved by the same, this Criminal Original Petition has been filed before this Court.

4. Learned Additional Public Prosecutor appearing on behalf of the respondent submitted that there are two accused persons in S.T.C. No.1961 of 2022. After the filing of the final report, the summons were issued on the accused persons and the copies have been furnished to them under Section 207 Cr.P.C.



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5. In the considered view of this Court, the Court below ought to have taken into consideration Rule 231 of the Criminal Rules of Practice and dealt with the Copy Application. This Rule deals with the grant of certified copies of documents when a request is made by the accused person. The same yardstick can be used while considering the request made by the de-facto complainant in the case.

6. In view of the above, there shall be a direction to the Court below to take the Copy Application on file and furnish the certified copy of the F.I.R., Final Report filed in S.T.C.No.1961 of 2022 and also the statement of witnesses recorded under Section 161 of Cr.P.C. to the petitioner.

7. This Criminal Original Petition is disposed of with the above directions.

11.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH, J

rsi

To

- 1.The Inspector of Police,
H-2, Guduvanchery Police Station,
Guduvanchery – 603 202.
Chengalpattu District.
- 2.The Judicial Magistrate No.II,
Chengalpattu.
- 3.The Public Prosecutor,
High Court, Madras.

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