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Criminal Original Petition No.20435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.20435 of 2023

and

Crl.M.P.Nos.13883 & 13884 of 2023

G.Venugopal
S/o.T.T.Girirajan

...Petitioner

Vs

State through the Inspector of Police,
W22-All Women Police Station,
Mylapore, Chennai - 4.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to set aside the order dated 18.08.2023 in Crl.M.P.No.13230 of 2023 in C.C.No.4863 of 2017 passed by learned XVIII Metropolitan Magistrate, Saidapet, Chennai, insofar as allowing the petition relating to documents (a) FIR No.15/2017 CCB-I dated 11.01.2017 and (b) HDFC Bank Statement.

For Petitioner : Mr.R.Chandrasudan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed challenging the order passed by the Court below in CrI.M.P.No.13230 of 2023 in C.C.No.4863 of 2017 allowing the petition filed by the respondent police u/s.311 Cr.P.C. to recall PW-1 for marking four additional documents.

2. Heard Mr.R.Chandrasudan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The order passed by this Court in CrI.O.P.No.16814 of 2023 dated 28.07.2023 gives the complete background of this case. This Court, while passing the order on 28.07.2023, made it clear that if the prosecution wants to bring in additional evidence/additional documents, they have to put the accused person on notice and resort to filing an application u/s.311 Cr.P.C. and only thereafter, additional documents can be brought in as evidence. Pursuant to this order, the prosecution filed a petition in CrI.M.P.No.13230 of 2023 to recall PW-1 for marking additional documents. This petition was



opposed by the petitioner on the ground that the prosecution is attempting to bring in a completely new case which has nothing to do with the present case where the trial is going on for offence u/s.498-A and 506(ii) IPC. The Court below, by order dated 18.08.2023, allowed the petition filed by the prosecution and aggrieved by the same, the present petition has been filed before this Court.

4. In the considered view of this Court, the Court below has merely granted an opportunity to the petitioner to enable the petitioner to know the additional documents that are sought to be marked by the prosecution. How far these documents are relevant, admissible and will prove the case of the prosecution is a matter to be dealt with by the trial Court as and when the documents are sought to be marked. If, according to the petitioner, some of the documents will have absolutely no relevance to the case, the petitioner can always raise such an objection before the trial Court as and when that document is marked and the trial Court will deal with the same and decide before proceeding further. While doing so, the trial Court will take into



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account the guidelines given by the Apex Court in ***In Re: To issue certain guidelines regarding inadequacies and deficiencies in criminal trials v.***

The State of Andhra Pradesh & Ors. [Suo Moto Writ (Crl) No.(s) 1/ 2017]

This clarity will sufficiently take care of the interest of the petitioner.

Accordingly, this Criminal Original Petition is disposed of.

Consequently, connected miscellaneous petitions are closed.

05.09.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

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- 1.The XVIII Metropolitan Magistrate,
Saidapet.
- 2.The Inspector of Police,
W22-All Women Police Station,
Mylapore, Chennai - 4.
- 3.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J



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