



CrI. R.C.(MD)No.126 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 24.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.126 of 2023

Thangamalai

.. Petitioner

Vs.

**State rep.by the Inspector of Police,
NIB CID, Theni District.
Crime No.164 of 2014.**

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the records relating to the impugned order dated 26.10.2022 in Cr.M.P.No.1094 of 2022 on the file of the I Additional Special Court for EC & NDPS Act Cases, Madurai (FAC)/Additional District Judge and set aside the same.

**For Petitioner : Mr.T.Joshua,
for Mr.S.Selvakumar**

**For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.**

ORDER

**The Criminal Revision Case is directed against the order passed
in Cr.M.P.No.1094 of 2022 in C.C.No.234 of 2016, dated 26.10.2022, on**



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the file of the I Additional Special Court for EC & NDPS Act Cases, Madurai (FAC)/Additional District Judge, allowing the petition filed under Section 173(5) of Cr.P.C by the prosecution to receive the documents listed in the petition.

2. The respondent/complainant has laid the charge sheet against two accused, including the petitioner for the offences under Sections 8(C) r/w 20(b)(ii)(C) and 25 of NDPS Act and the trial is in part heard stage. After examination of first witness as P.W.1, the prosecution has filed the above application under Section 173(5) of Cr.P.C to receive the documents such as the information received by the Police, Search Consent Letter, Seizure Mahazar, Arrest Memo and Search Memo.

3. In the petition filed under Section 173(5) of Cr.P.C, the prosecution has alleged that though the charge sheet was filed on 13.11.2014, subsequent perusal of the case bundle would reveal that the above documents are not available in the case bundle and hence, they were constrained to file the above application to receive those documents as additional documents.



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4. As rightly contended by the learned counsel for the petitioner, the prosecution has nowhere offered any reason or explanation for not producing the documents earlier during the investigation stage or along with charge sheet and the above documents were sought to be received in 2022, though the case came to be registered in 2014.

5.The learned trial Judge by observing that the petitioner /respondent has not specifically disputed the signatures found in the said documents and that there was reference to these documents in the charge sheet already filed, has come to the decision that the documents sought to be received are material documents, without which the trial cannot be successfully completed and allowed the application.

6. It is pertinent to note that the learned trial Judge himself has observed that as and when these documents were to be exhibited, the petitioner herein would have a right to object the same. Moreover, the above application was ordered to be allowed and the documents were ordered to be received subject to proof and relevancy.



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7. A cursory perusal of the impugned order would reveal that the learned Judge has allowed the application and ordered to receive the documents and there is no specific finding/observation that the documents are admissible in nature and the same can be exhibited directly.

8. Considering the above, the impugned order for receiving the documents, cannot be found fault with. Hence, the Criminal Revision is dismissed. However, the petitioner is at liberty to raise his objections, which includes the admissibility of the documents and the trial Court is directed to consider the same.

24.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR,J.

das

To

1. I Additional Special Court for EC & NDPS Act Cases,
Madurai (FAC)/Additional District Judge.
- 2.The Inspector of Police,
NIB CID, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

Order made in
Crl.R.C.(MD)No.126 of 2023

24.03.2023