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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4558 of 2024
and Crl.M.P No.3359 of 2024

Aravind

Petitioner

vs.

The State Rep. by: The Inspector of Police,
Vellithiruppur Women Police Station,
Erode District.
(Crime No.15 of 2020)

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the common order dated 16.02.2024 made in C.M.P.No.08 of 2024 in S.C.No.76 of 2022 on the file of the Learned IV Additional District Sessions Court, Erode District at Bhavani.

For Petitioner : Mr.R.Sathish Kumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in C.M.P.No.8 of 2024 in S.C.No.76 of 2022, dismissing the



application filed under Section 91 of Cr.P.C., for a direction to the respondent police to produce the particulars of the Rowdy Sheet that was maintained in the name of the deceased and to reopen the case to mark the said document.

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

3. The petitioner along with other accused persons is facing trial before the Court below for offence under Sections 147, 148, 341, 506(ii) and 120(b) r/w 302 and 302 r/w 34 of IPC. The examination of the prosecution witnesses was completed and the accused persons were questioned under Section 313(1)(b) of Cr.P.C. Thereafter, defence witnesses were also examined on the side of the accused persons and the case was at the stage of passing final judgment after hearing the arguments of both sides. At that stage, the present application came to be filed under Section 91 of Cr.P.C., for a direction to the respondent police to produce the History Sheet particular of the deceased and to mark the same as document by reopening the case. This application was dismissed by the Court below by an order dated 16.02.2024. Aggrieved by the same, the present criminal original petition has been filed before this Court.



4. In the considered view of this Court, the accused persons want to rely upon the fact that the deceased was categorized as a History Sheeter by the respondent police and according to the accused persons, this fact will have a bearing in the defence that has been taken by the accused persons. It is an admitted case that the deceased was a History Sheeter in the records of the respondent police in H.S.No.245 of 2013. The relevant document is also available before the respondent. In view of the same, it will suffice if a direction is issued to the respondent to furnish the copy of the History Sheet that was maintained in H.S.No.245 of 2013 before the Court below and a copy can also be furnished to the accused persons. This document can be marked as a Court Document by the Court below and the same can be taken into consideration by the Court below while dealing with the merits of the case and the defence that has been taken by the accused persons. By adopting this process, no delay will be caused and at the same time, the accused persons will also not be deprived from relying upon the History Sheet that was maintained against the deceased in H.S.No.245 of 2013. This direction shall be acted upon by the respondent police immediately and the Court below need not reopen the evidence for this purpose and this document can straight away be marked as a Court Document. The accused person shall be heard only insofar as this issue is concerned and thereafter, the final judgment can be passed.



N. ANAND VENKATESH, J.

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5.This criminal original petition is disposed of with the above directions.

Consequently, connected miscellaneous petition is closed.

27.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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Note:Issue Order Copy on 29.02.2024

To

- 1.The IV Additional District Sessions Court, Erode District at Bhavani.
- 2.The Inspector of Police,
Vellithiruppur Women Police Station,
Erode District.
- 3.The Public Prosecutor,
High Court, Madras.

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