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Crl.O.P.No.5796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5796 of 2024

V.Jayachandran

.. Petitioner

Vs.

State Rep by,
Deputy Superintendent of Police,
District Crime Branch,
Villupuram.
Crime No.19 of 2012

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order dated 12.02.2024 passed by the Principal Sessions Judge (Special Court for MP's & MLA Villupuram), Villupuram in Crl.M.P.No.728 of 2024 in Spl.C.No.3 of 2019.

For Petitioner	:	Mr.Abudu Kumar Rajaratnam Senior Counsel for Mr.V.Johnson Yuvaraj
For Respondent	:	Mr.K.M.D.Muhilan Government Advocate (Crl.Side)



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ORDER

This criminal original petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner in Crl.M.P.No.728 of 2024 dated 12.02.2024, wherein the petitioner had sought for production of the file containing certain documents.

2.Heard the learned Senior Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

3.The petitioner who has been arrayed as A3 is facing trial before the Court below for the offences u/s.353, 506(i), 379, 406, 420 of IPC r/w 120(b) of IPC, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and 4(1), 4(1A) r/w 21 of The Mines and Minerals (Development and Regulation) Act, 1957, 36A of the Tamil Nadu Minor Mineral Concession Rules, 1959 r/w 120(b) of IPC.

4.The petitioner filed an application under Section 91 of CrPC in order to summon certain documents which the petitioner wants to rely upon while cross examining the RDO, Villupuram. Those documents are



the replies dated 12.01.2012 and 24.04.2012, which were given for the show cause notices dated 19.12.2011 and 19.11.2012.

5.According to the petitioner, these documents will have to be put to the RDO during the cross examination in order to effectively defend himself in the case.

6.The Court below dismissed the application mainly on the ground that the petitioner is seeking for the production of the entire file even without producing the copies of the relevant documents which are sought to be relied upon by the petitioner.

7.The learned Government Advocate submitted that there are totally 65 witnesses in this case and out of the same, 17 witnesses have been examined till now.

8.The petitioner wants to rely upon the above documents while cross examining the RDO.

9.In the considered view of this Court, it is not necessary for the



petitioner to furnish a copy of the notices before the Court in order to seek for the production of the original documents. It is enough if the petitioner gives reasons as to why he wants to call for the documents. The reason as to why the petitioner wanted to call for the documents is mentioned in the affidavit filed in support of the petition before the Court below. The petitioner is now seeking for the production of the two replies given for the two show cause notices and for this limited purpose, he had filed the application.

10.The petitioner has to effectively defend himself and hence an opportunity must be given to the petitioner. The relevancy of all those documents can be gone into by the Court below at the time of appreciation of documents and it is not necessary to stop the petitioner from even calling for the documents at this stage.

11.In the light of the above discussion, the order passed by the Court below in Crl.M.P.No.728 of 2024 dated 12.02.2024 is hereby set aside and it is brought to the notice of this Court that case is now posted for examination of further witnesses on 18.03.2024. Therefore, there shall be a direction to the Court below to call for the relevant documents



Crl.O.P.No.5796 of 2024

sought for by the petitioner immediately.

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12.This Criminal Original Petition is allowed in the above terms.

12.03.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

NOTE: Issue order copy on 14.03.2024.

To

1.ThePrincipal Sessions Judge,
(Special Court for MP's & MLA Villupuram),
Villupuram.

2.State Rep by,
Deputy Superintendent of Police,
District Crime Branch,
Villupuram.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.O.P.No.5796 of 2024

N.ANAND VENKATESH, J.

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