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Crl.O.P.No.9679 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.9679 of 2024
& Crl.M.P.No.6724 of 2024
& Crl.M.P.No.6727 of 2024

1. V.P.S.Santhakumar.
2. Tmt.Jothi.
3. Vijayaraj.

... Petitioners/Accused 1 to 3

/versus/

State Rep. by
The Inspector of Police,
Central Crime Branch,
Chennai.

... Respondent/Prosecution

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the order dated 14.02.2024 is made in Crl.M.P.No.8259 of 2024 in C.C.No.9699 of 2002 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai – 8.

For Petitioners : Mr.R.Loganathan

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side).



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ORDER

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This Criminal Original Petition is filed to set aside the order dated 14.02.2024 made in Crl.M.P.No.8259 of 2024 in C.C.No.9699 of 2002 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai – 8.

2. The petitioners are accused in C.C.No.2756 of 1998 renumbered as C.C.No.9699 of 2002 arising out of Crime No.539 of 1997 on the file of the Central Crime Branch, Chennai. The petitioners are before this Court being aggrieved by the dismissal of their petition filed under Section 207 of Cr.P.C. for furnishing the documents relied by the prosecution. The reason for rejecting the petition is that the copies relied by the prosecution under Section 207 of Cr.P.C. were furnished to the accused in the year 2000 itself and therefore, there is no necessity to furnish those copies relied by the prosecution again and again. However, the Learned Counsel appearing for the petitioners states that only a truncated set of statements were furnished to the accused persons and not the entire statement of witnesses.

3. According to the Learned Counsel for the petitioners, the prosecution has given a list of 1482 witnesses to be examined on the side of the



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prosecution, but not all the statements of those witnesses have been furnished.

He also reply upon the counter filed by the Investigating Officer in an Interlocutory application, stating that these documents are voluminous and therefore, the accused persons shall examine the documents in Court.

4. The Learned Government Advocate (Crl.Side) appearing for the respondent states that all the documents relied were furnished to the accused in the year 2000 and the matter has been pending for more than 24 years. Further, the Learned Government Advocate (Crl.Side) states that the prosecution has examined 52 witnesses and the matter is posted for examination of the Investigating Officer on 09.05.2024, no further witnesses on the side of the prosecution to be examined. He would also state that the statements of those 52 witnesses have already been furnished to the petitioners herein.

5. This Court finds that the petition to furnish copies of documents relied by the prosecution was made at the fag-end of the trial and for the reason best known since from record, this Court find that the copies were already furnished to the accused persons in the year 2000 itself and even if it is not so, the Investigating Officer in the year 2023 has reported to the Court that there is



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a voluminous document and therefore, there is no necessity to furnish all the documents again and the parties can examine the documents in Court, which is permissible under the code.

6. This Court finds no reason to interfere with the order passed by the trial Court declining the request of the petitioners to furnish copies of the documents relied by prosecution under Section 207 of Cr.P.C. The matter has reached the fag-end of the trial and once the Investigating Officer is examined in chief and cross, the trial will go to the next stage of questioning the accused about the incriminating evidence against them under Section 313 of Cr.P.C. At this stage, an application filed to furnish documents 23 years after framing charges appears to be a dilated tactic.

7. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

23.04.2024

Index :Yes/No.
Neutral Citation :Yes/No.
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Copy to:

1. The Chief Metropolitan Magistrate, Egmore, Chennai – 8.
2. The Inspector of Police,
Central Crime Branch,
Chennai.
3. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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