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Crl.R.C.No.1354 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1354 of 2024

K.Sivakumar

... Petitioner

Vs.

The State Rep.by its,
The Inspector Of Police,
K-3 Aminjikarai Police Station,
Chennai
Cr.No.294 Of 2022.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 and 442 of Criminal Procedure Code, to call for the records pertaining to the order in Crl.M.P.No.6074 of 2023 in C.C.No.12632 of 2022 dated 01.07.2024 passed by the Learned V Metropolitan Magistrate, Egmore, Chennai and set aside the order as far as the condition through which the petitioner and his counsel are permitted to see the witness photos mentioned as Serial No.21 in the list of documents filed by the respondent in the final report in C.C.No.12632 of 2022 on or before 22.07.2024 is concerned.

For Petitioner : Mr.P.Senthilvel

ORDER



The petitioner/accused in C.C.No. 12632 of 2022 facing trial for the offence under Sections 341, 294(b), 354, 509, 506(i) IPC & Section 4 of TNPHW & Sections 66E, 67 IT Act.

2. The case against the petitioner is that the petitioner and the victim were classmates in the college. At that time, they were friendly and taken photographs in close movements, in which, the petitioner had uploaded the above said photographs and threatened her. Hence, the complaint has been lodged. The petitioner was arrested and later came out on bail. On completion of investigation, charge sheet has been filed.

3. The petitioner /accused has filed a petition under Section 207 Cr.P.C., seeking direction to furnish the copies of five documents. The trial Court has allowed the petition by furnishing copies only with regard to List Nos.2 to 5. As regards List No.1 [Serial No.21 Witness photos], the trial Court has permitted the petitioner to see the photographs from the case bundle in the presence of the Interpreter of the Court on or before 22.07.2024.

4. The contention of the petitioner is that the order has been



passed on 01.07.2024, but details uploaded only on 04.07.2024 but not in full. Thereafter, the petitioner filed copy application, the same was made ready on 29.07.2024 and delivered to the petitioner on 01.08.2024. On perusal of the order, the petitioner came to know that the petitioner was permitted to view the photographs Serial No.21 in the presence of the Interpreter on or before 22.07.2024. In view of the same, the petitioner, unable to peruse the photographs to prepare his defence. For that reason, he is before this Court.

5. The learned Additional Public Prosecutor appearing for the respondent police strongly opposed the same stating that the order of the trial Court dated 01.07.2024 was uploaded on the same day itself. It is for the petitioner to view the same and to approach the Interpreter of the lower appellate Court and to have perused the Serial No.21 photographs. But he takes stand that the copy of the impugned order delivered to him on 01.08.2024. The High Court has already issued circular that the uploaded online orders is authenticated order, which can be accepted by the Courts, not asking for separate certified copies. The petitioner has applied the certified copy only to protract the proceedings before the trial Court. In any event, the learned Additional Public Prosecutor fairly



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submits that the case is posted to 02.09.2024 for framing of charges, the petitioner may be given an opportunity.

6. The learned counsel appearing for the petitioner, on instructions, submits that on 22.08.2024, the petitioner and his counsel shall appear before the trial Court to peruse Serial No.21 in the presence of the Interpreter.

7. Recording the same, this Criminal Revision Case is disposed of.

19.08.2024

Note: Issue Toady

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

rpl

To

1.The V Metropolitan Magistrate, Egmore, Chennai

2.The Inspector Of Police,
K-3 Aminjikarai Police Station,
Chennai

3.The Public Prosecutor,
High Court of Madras,



Chennai.

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M.NIRMAL KUMAR, J.



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