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Crl. O.P. No.23653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.23653 of 2024

Malini Ravindran

.. Petitioner

Vs.

State rep by its
The Inspector of Police
R-2, Kodambakkam,
Crime Police Station, Chennai.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondent to file a final report under Section 193(3) of BNSS in Cr.No.139/2024 dated 30.06.2024 within the time stipulated by this court.

For Petitioner : Mr. T. Gowthaman
Senior Counsel for S.Nivashini

For Respondents : Mr. K.M.D.Muhilan
Government Advocate
(Crl.Side)

ORDER

This Criminal Original Petition is filed for transfer stating that there is inaction on the part of the Investigating Officer not subjecting the disputed document for scientific examination.



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2. Learned Government Advocate (Crl.Side) appearing for the respondent police submits that the photocopy of the disputed document namely the rental agreement was sent for forensic examination through Court. However, the same has been returned through letter dated 23.08.2024 by the Joint Director, Forensic Department stating that for comparison, the original document is required. The Investigating Officer has summoned the accused to produce the original rental deed which the accused has refused. Therefore, the disputed document could not be subjected to forensic examination.

3. In case of this nature if the accused the refused to produce documents taking umbrage under Section 114 illustration(g) of Indian Evidence Act/Section 119 illustration (g) of BSA which confers him right of silence, the Court shall draw adverse inference against the accused persons. Therefore, the Investigating Officer who is investigating this matter should place the factum, refusal by accused to part away the disputed document for examination in the final report so that the Court will take note of the said fact and proceed in accordance with law.

4. With this observation, this Criminal Original petition is disposed



of.

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Vv

To

1. The Inspector of Police
R-2, Kodambakkam,
Crime Police Station, Chennai.
2. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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