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Crl.M.P.No.19231 of 2023
in Crl.A.No.767 of 2018

A.D.JAGADISH CHANDIRA, J.

This Criminal Miscellaneous Petition has been filed seeking to permit the petitioner to produce the list of documents 1) the Savings Bank Pass Book issued by the Indian Overseas Bank, Chidambaram in respect of Account No.11548 and 2) Savings Bank Pass Book issued by the Indian Overseas Bank, Chidambaram in respect of Account No.11547 and to receive the same by way of Additional Evidence in the Criminal Appeal No.767 of 2018.

2. It is the case of the petitioner/appellant that the DW1 had seen that the accused being restrained near Anna Statue, Chidambaram on 08.05.2008, at around 5.30 p.m., (day of trap) and the defence witness had claimed that this had happened while he was on the way to the house of the appellant to hand over the pass book in respect of the Savings Bank Account No.11548 which was opened along with his Account No.11547 on 08.05.2008. The trial Court holding that the pass books were not produced at



the time of giving defence evidence, had rejected the claim and thereby, the present petition has been filed seeking to permit the petitioner to produce the Savings Bank Pass Books of Account Nos.11547 and 11548, which were opened on 08.05.2008 at Indian Overseas Bank, Chidambaram.

3. Learned counsel for the petitioner submitted that the Savings Bank Account Nos.11547 and 11548 are the accounts of the defence witness (DW1) and the appellant respectively, which were opened on 08.05.2008 and it is the case of DW1 that the Pass Books relating to the Accounts were issued by the Bank on the same day and received on the same day. However, since the same were misplaced and due to the inadvertence, the Pass Books were not submitted before the trial Court at the time of examination of DW1. He also submitted that the trial Court, on account of non-marking of the Pass Books, had disbelieved DW1. Later, the Pass Books were found and it is essential that the Pass Books have to be marked as evidence in the Appeal. He further submitted that this Court had directed the respondent Police to verify the genuineness of the claim and the documents sought to be filed as additional evidence. Hence, he prayed that a suitable orders may be passed.



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4. When the matter was taken up on 31.01.2024, this Court had directed the respondent to verify the veracity of the documents i.e., the Pass Books relating to Account Nos.11547 and 11548, which were stated to be opened at the Indian Overseas Bank, Chidambaram on 08.05.2008, which are sought by the petitioner to mark as additional evidence. Pursuant to the same, the respondent had verified the said accounts and filed a Memo stating that the said accounts have opened on 08.05.2008 and the Pass Books of DW1 and the appellant were issued on the same day.

5. Learned Government Advocate (Criminal Side) also submitted that on verification, it was found that the documents (Pass Books) sought to be marked by the petitioner are genuine.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) and perused the materials available on record.

7. In view of the above, since the genuineness of the documents are not disputed by the respondent, instead of remitting the matter back for



letting in evidence, the documents are accepted by this Court in the Criminal Appeal No.767 of 2018 to be read in evidence as per Section 294(3) of the Criminal Procedure Court.

8. Accordingly, the Criminal Miscellaneous Petition stands ordered.

12.03.2024

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