



Crl.R.C.(MD) No.1416 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.1416 of 2023

Vanumamalai

...Petitioner

Vs.

The State represented by its
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.40 of 2015.

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the impugned order in Cr.M.P.No.9320 of 2023 in S.C.No.25 of 2017 on the file of the III Additional Sessions Judge, Tirunelveli dated 26.07.2023, set aside the same and allow this Criminal revision petition.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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Crl.R.C.(MD) No.1416 of 2023

ORDER

This Criminal Revision Case has been filed against the impugned order dated 26.07.2023 in Cr.M.P.No.9320 of 2023 in S.C.No.25 of 2017 on the file of the III Additional Sessions Judge, Tirunelveli.

2. Learned counsel for the revision petitioner submits that the petitioner is the first accused in Crime No.40 of 2015 registered against him on the file of the respondent police and after the completion of investigation, final report was filed and the same was taken on file before the learned III Additional Sessions Judge, Tirunelveli. During the course of examination, the statements of the prosecution witnesses are not consistent and corroborative in nature and there are contradictions in respect of the scene of occurrence. To prove the case of the petitioner, he filed an application for a spot inspection in the place of occurrence in CrI.M.P.No. 9320 of 2023 before the learned III Additional Sessions Judge, Tirunelveli and the same was dismissed through an order dated 26.07.2023. Challenging the order of dismissal, the present revision petition has been filed by the petitioner.



Crl.R.C.(MD) No.1416 of 2023

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3. Per contra, learned Additional Public Prosecutor submits that though Section 310 of Cr.P.C. envisages that local inspection is admissible for the purpose of appreciating the evidences, it is the discretion of the learned trial Judge and hence, neither the prosecution nor the accused can claim it as mandatory provision.

4. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent police.

5. Section 310 of Cr.P.C. runs as follows:

"Any Judge or Magistrate may, at any stage of any inquiry, trial or other proceeding, after due notice to the parties, visit and inspect any place in which an offence is alleged to have been committed, or any other place which it is in his opinion necessary to view for the purpose of properly appreciating the evidence given at such inquiry or trial, and shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection."

6. A reading of the aforesaid provision of law will make it clear that if the learned trial Judge is of the opinion that it is necessary to make



Crl.R.C.(MD) No.1416 of 2023

any local inspection in which an offence is alleged to have been committed, he can visit and inspect the place on his own accord after giving due notice to the parties only for appreciating the evidence given during the inquiry or trial. Further, the learned trial Judge specifically mentioned in his order that there is no necessity for the Court to make any local inspection and that the application filed by the petitioner is only to protract the criminal proceedings and hence, this Court is not inclined to interfere with the findings of the learned trial Judge.

7. In the result, this criminal revision stands dismissed, confirming the order passed by the learned III Additional Sessions Judge, Tirunelveli in Crl.M.P.No.9320 of 2023 in S.C.No.25 of 2017 dated 26.07.2023.

01.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

PKN



Crl.R.C.(MD) No.1416 of 2023

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To

1. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.R.C.(MD) No.1416 of 2023

VIVEK KUMAR SINGH, J.

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CrI.R.C.(MD) No.1416 of 2023

01.02.2024