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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.9991 of 2025
and
CRL.M.P.Nos.6610 & 6611 of 2025

Santhanaraman. S

....

Petitioner

Vs

1.The Inspector of Police,
EOW,
Thiruvarur District.
Crime No.2 of 2021.

....

Respondent

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order framing the charges against the petitioner dated 11.03.2025 in C.C.No.09 of 2025 and direct the Chief Judicial Magistrate Court, Thiruvarur to furnish the documents relied upon by the prosecution and thereafter frame the charges afresh and proceed with the trial.

For Petitioner : Mr.J.Saravana Vel

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)



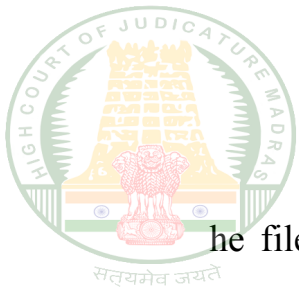
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ORDER

This Criminal Original Petition has been filed challenging the docket order dated 11.03.2025 passed in C.C.No.09 of 2025 on the file of Chief Judicial Magistrate, Thiruvarur, thereby furnishing the documents to the petitioner to proceed with the trial.

2. The petitioner is an accused in C.C.No.09 of 2025, and facing trial for the offence under Sections 408, 409, 465, 468, 471, 477A and 420 of IPC. The petitioner was served only with the charge sheet, FIR, list of witnesses and Alteration report, but he was not served with any copies of documents. The Trial Court proceed with the trial after issuing the summons to the witnesses. The Trial Court also directed the respondent police to give copies of the documents to the petitioner. However, the documents was not given nor any order has been passed by the Trial Court.

3. The learned counsel appearing for the petitioner would submit that though the petitioner was served with a charge sheet, he was not served with any documents annexed to the charge sheet. Therefore,



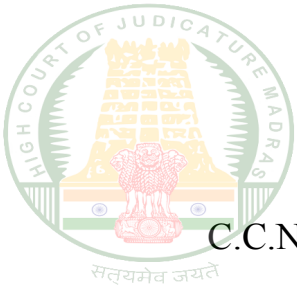
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he filed a petition under Section 207 of Cr.P.C., seeking copies of the documents, but the said petition is still pending with the Trial Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is facing trial for the offence related to Commercial Crime Investigation. Now, the respondent is also ready to produce the pen drive before the Trial Court to get the voluminous documents.

5. In this regard, it is relevant to rely upon the judgment reported in **2024 SCC OnLine SC 984** in the case of ***Sunita Devi Vs. State of Bihar and ant***, in which the Hon'ble Supreme Court of India held that “the right of an accused would arise, in getting the documents relied upon by the prosecution, after taking cognizance and before framing of the charges. Therefore, between taking cognizance and framing of charges, an accused should have sufficient window to go through the documents supplied to him as he is entitled to be heard at a later stage”.

6. In view of the above, the docket order dated 11.03.2025 in



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C.C.No.09 of 2025 on the file of the Chief Judicial Magistrate Court, Thiruvarur, is hereby set aside. The petitioner is directed to re-present the application under Section 207 of Cr.P.C., by way of pen drive, since it is voluminous documents and the Trial Court is directed to take the application and pass orders on merits and in accordance with law.

7. With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petitions are also closed.

02.04.2025

drl

Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
EOW,
Thiruvarur District.

2. The Public Prosecutor,
High Court, Madras.

3. The Chief Judicial Magistrate Court,
Thiruvarur.

G.K.ILANTHIRAIYAN,J.

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