

Crl.O.P.(MD)No.4537 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.03.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.4537 of 2025

T.Chockalingam

... Petitioner

versus

The State through
Additional Superintendent of Police,
Vigilance and Anti-Corruption,
Tirunelveli.

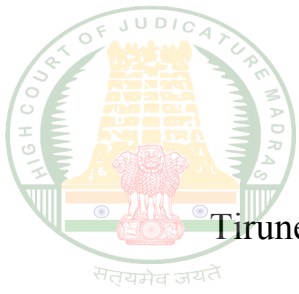
... Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023 corresponding to Section 482 Cr.P.C. to direct the respondent to furnish the key document Nos.12, 16 to 25, 28 to 30, 34 and 38 described in the list of documents, annexed in the final report in Crime No.1 of 2023 in Spl.C.C.No.3 of 2024, pending on the file of the Special Court for Prevention of Corruption Act Cases at Tirunelveli, within time frame so as to say effective answer to an alleged charge.

For Petitioner : Mr.S.S.Kumar
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

The petitioner is the sole accused in Spl.C.C.No.3 of 2024 on the file of the Special Court for Prevention of Corruption Act Cases at



Tirunelveli. He was charged for the offence under Section 7(a) of the Prevention of Corruption Act 2018. The respondent Police has relied on volumes of documents, however, the same were not furnished to the petitioner/accused under Section 207 Cr.P.C. Therefore, the petitioner has approached this Court seeking a direction to the respondent to furnish the key document Nos.12, 16 to 25, 28 to 30, 34 and 38, which were filed in Spl.C.C.No.3 of 2024.

2. The learned counsel appearing for the petitioner submits that certain volumes of documents have been relied on by the prosecution along with the final report. However, the petitioner was not aware as to for what purpose those documents have been relied on. Therefore, the petitioner needs those documents to agitate his case even before framing of charges. Hence, he seeks for a direction to the respondent Police to furnish those documents under Section 207 Cr.P.C.

3. Mr.T.Senthil Kumar, learned Additional Public Prosecutor takes notice for the respondent Police and submits that those documents are ledgers and registers, which were recovered by the Investigation Agency during the course of investigation. In the event, if the petitioner



is having a grievance with regard to the registers, he can peruse those documents by obtaining permission from the trial Court. The learned Additional Public Prosecutor has also relied on the provisions under Section 207 Cr.P.C. and submits that the Legislation itself mandates that in the event of volumes of documents, instead of furnishing the accused with a copy of documents, the Court may permit to peruse the documents either personally or through a pleader in Court.

4. This Court considered the rival submissions made.

5. The grievance of the petitioner that he has not been furnished with the documents which have been relied on by the prosecution.

6 The learned Additional Public Prosecutor claims that those documents are ledgers and registers and only a portion of the documents may be relied on by the prosecution.

7. Section 207 Cr.P.C. reads as under:

“In any case where the proceeding has been instituted on a police report, the Magistrate shall without



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delay furnish to the accused, free of cost, a copy of each of the following;

1. the police report;
2. the first information report recorded under Section 154;
3. the statements recorded under Sub-Section (3) of Section 161 of all persons whom the prosecution proposes to examine as its witnesses, excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under Sub-Section (6) of Section 173;
4. the confessions and statements, if any, recorded under Section 164;
5. any other document or relevant extract thereof forward to the Magistrate with the police report under Sub-Section (5) of Section 173;

Provided that the Magistrate may, after perusing any such pan of a statement as is referred to in clause (iii) and considering the reasons given by the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be furnished to the accused;

Provided further that if the Magistrate is satisfied that any document referred to in clause (v) is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it



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either personally or through pleader in Court.”

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8. The second proviso to Section 207 Cr.P.C. mandates that if the Magistrate is satisfied that the volumes of documents are necessary for the accused, then, the Court may permit him to peruse those documents either personally or through a pleader in Court.

9. In view of the second proviso to Section 207 Cr.P.C., this Criminal Original Petition is disposed of with a direction to the trial Court, namely, the Special Court for Prevention of Corruption Act Cases at Tirunelveli, to permit the petitioner or his pleader to peruse those documents.

20.03.2025

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.



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B.PUGALENDHI, J.

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To

1. The Special Court for Prevention of Corruption
Act Cases,
Tirunelveli,
2. The Additional Superintendent of Police,
Vigilance and Anti-Corruption,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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