

R.O.C.No. 668/2004/RG/FI

C I R C U L A R

SUB: Criminal Cases – furnishing copies of case records to the accused in Criminal Cases – Xerox copies not accepted -accumulation of cases – Instructions to lower courts to accept xerox copy – requested - Regarding:

- REF: 1) Letter RC No. Camp 47/DIG IIR & SJ CID/2004 dated 06/04/2004 (received on 9/6/2004) from the Deputy Inspector General of Police, Human Rights & Social Justice, Chennai-4.
2) Letter No. 17626/RA(1)/2004-1 dated 5/10/2004 from the Secretary to Government, Adi Dravidar and Tribal Welfare Department, Secretariat, Chennai (W.E.)

It is brought to the notice of the Hon'ble High Court by the Secretary to Government, Secretariat, Chennai-9, stating that in Criminal Cases, after the completion of investigation final reports as per Section 173(2) of the Criminal Procedure Code are being filed along with the case records before the concerned Magistrate Courts and that the Judicial Magistrates intum, will prepare the copies of the case records and furnish them to the accused as per Section 207 of the Criminal Procedure Code. Preparation of copies will take more time for the Judicial Magistrate Court to furnish copies to the accused and if the number of accused are many, more number of copies have to be prepared and which causes abnormal delay in furnishing copies to the accused. Therefore, he has requested to give suitable direction that the required number of legible Xerox copies of the case records may be prepared by the Police Department and be submitted along with the charge sheet to the court as per Section 173(7) of Criminal Procedure Code, may be accepted so as to

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comply with the provision of Sections 207 and 209 of the Criminal Procedure Code.

The High Court considered the request of the government in the light of the remarks offered by the Principal District Judges, Chief Judicial Magistrates and also the provision of the Code of Criminal Procedure and issues the following direction in the matter.

The High Court hereby directs the Committal Courts to accept the Xerox copies of the documents certified by the Investigating Officer and they shall be compared with the originals by the respective Committal Courts and be furnished to the accused which will avoid the delay and cases can be committed to Sessions Court early without any delay within a period of six weeks as per rule 37 of Criminal Rules of Practice

All the Principal District Judges, Chief Judicial Magistrates and Chief Metropolitan Magistrate, are hereby directed to communicate the Circular to all the Judicial Magistrates under their control forthwith.

The receipt of the Circular may be acknowledged at once.

HIGH COURT: MADRAS
DATED: 10/02/2006

Sd/- S. Palanivelu,
REGISTRAR GENERAL

/ True copy / Forwarded / By order /

DEPUTY REGISTRAR (GROUPING)

cc.No.1025/2006-A1.

Office of the Chief Judicial Magistrate,
Madurai. Dated : 13.2.2006.

Copy communicated to ACJM, Madurai and all other Judicial Magistrates of Madurai District.

Chief Judicial Magistrate,
Madurai.

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