

**IN THE SPECIAL COURT FOR THE TRIAL OF PMLA CASES/
SPECIAL COURT (SPE/CBI)-I, ERNAKULAM.**

Present:-

**Sri. P.K. Mohandas, Judge, Special court for PMLA Cases/
Special Judge (SPE/CBI)-I, ERNAKULAM**

Friday the 5th day of April, 2024 / 16th Chaithra, 1946.

Crl.M.P. No. 106/2024

in

SC (PMLA) No. 03/2023

Petitioner/Accused No.1 : S. Martin, aged 61 years, S/o. Santiago, No. 135/1, Thiruvalluvar Street, G.N. Mill Post, Vellakinaru Pirivu, Coimbatore – 641 029.

Represented by Adv. Sri. Mathews K. Uthuppachan.

Respondent/Complainant: : **Central Bureau of Investigation, Cochin represented by Smt. Ramya Prasad, Public Prosecutor, CBI.**

This petition coming on for hearing before me on 05.04.2024 and the Court on the same day passed the following:

ORDER

This petition is filed by the Counsel for the 1st accused in the case seeking permission to peruse the case records of the case.

2. According to the petitioner, he is the first accused in the case. The case stands posted for hearing the discharge petition on 16.04.2024. As the

CBI has filed a consolidated final report in the case, even at this stage, the petitioner is not aware of the documents which the investigating agency has produced during the crime stage before the committal court and the total number of pages in each document produced along with the final report. The petitioner would be able to formulate his defence only through a thorough inspection of case records. The petitioner desires to peruse the case records of the case through his lawyers. He seeks permission to peruse the prosecution documents in the case.

3. I have heard the counsel for the petitioner and the Public Prosecutor. The counsel for the petitioner submits that the petitioner or his counsel has no complete idea of the documents produced by the prosecution and a perusal of the records is necessary for a proper conduct of the case. The Public Prosecutor opposed the application stating that copies of all the relevant records already served on the accused and there is no necessity of perusal of the original records.

4. On hearing the counsel for the parties and going through the materials placed before the court, I am of the view that since the documents relied on by the prosecution is voluminous in nature, it is just and proper to permit the counsel appearing for the petitioner to peruse the documents in the presence of the Chief Ministerial Officer of the court. Only because the accused are served with copies of prosecution records u/s.207 CrPC, it cannot be said that he is not entitled to peruse the original records. Hence the petition

is only to be allowed.

In the result, the petition is allowed. The petitioner's counsel are permitted to peruse the documents relied on by the prosecution in this case, except protected documents, if any, in the presence of the CMO on 12th and 15th April, 2024 at office hours. It is made clear that the petitioner shall not take photos or copies of the documents and shall not tamper the same. If the petitioner wants copy of any document, he may apply for certified copy as per rules.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 05th day of April, 2024.

Sd/-
P. K. Mohandas
Judge, Special Court for PMLA Cases/
Special Judge (SPE/CBI)-I

Appendix: Nil

Id/-
Judge, Special Court for PMLA Cases/
Special Judge (SPE/CBI)-I
(By Order)

//True Copy//

Sd/-
Sheristadar.