

**In Re: Thiruvengada Mudali**

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**SooperKanoon Citation :** [sooperkanoon.com/775402](http://sooperkanoon.com/775402)

**Court :** Chennai

**Decided On :** Jan-23-1914

**Reported in :** AIR1914Mad376(2); (1914)26MLJ182

**Appellant :** In Re: Thiruvengada Mudali

**Judgement :**

ORDER

**Sadasiva Iyer, J.**

1. Though if the prosecution case is wholly true or the defence is wholly true, there could have been only one occurrence and either the occurrence now charged must be false or the counter-case in which some of the prosecution witnesses in this case were convicted must have been false, the learned Sessions Judge's opinion that both the occurrences are true cannot be said to be an illegal finding as each of the two contending parties would naturally try to make out that the only occurrence that took place was the only one in which their party received injuries.

2. As regards the statements made to the Police, 'the court' (under Section 162(1) of the Criminal Procedure Code) ' may, if it thinks it expedient in the interests of justice, direct that the accused be furnished with a copy thereof.' Here, all that appears is that the Magistrate refused to furnish a copy of such statements to the accused. I must take it that he did not consider it expedient in the interests of justice, to direct copies to be furnished. The accused is not entitled, as of right, to

be furnished with any such copies and (as I understand Section 162) it is only if the Magistrate considers it expedient in the interests of justice to grant such copies that the accused can obtain or use such copies. I do not think that *Dadan Gazi v. Emperor* I.L.R. (1906) C. 1023 or *Salt v. Emperor* I.L.R. (1909) C. 560 is against this view of mine, and I do not accept the argument that unless the Magistrate says that it is not expedient in the interests of justice to grant copies to the accused, the accused is entitled to get such copies or use them as evidence.

3. I reject this petition.

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