

**In Re: Mathayyan**

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**SooperKanoon Citation :** [sooperkanoon.com/807913](http://sooperkanoon.com/807913)

**Court :** Chennai

**Decided On :** Jan-26-1944

**Reported in :** AIR1945Mad85

**Appellant :** In Re: Mathayyan

**Judgement :**

ORDER

**Kuppuswami Ayyar, J.**

1. Since the case has been taken on file and is being tried, there ought to be no objection to the granting of a copy of a statement recorded Under Section 164, Criminal P.C., as it would be necessary for the cross-examination of the witness. As a matter of fact, it will be more convenient to the Court itself to grant such copies in advance as it may avoid the necessity for an adjournment on the ground that the cross-examining counsel is not posted with the facts stated in the statement recorded Under Section 164, Criminal P.C. The lower Court is therefore directed to furnish a copy to the petitioner in time to enable him to cross-examine the witness. The decision in Emperor v. Muthiah Swamiar (1907) 30 Mad. 466 has no application to the facts of this case. All that was stated there is that a person under remand is not entitled to a copy before the commencement of the preliminary enquiry. In this case the preliminary enquiry has commenced and witnesses have been examined.

