

APPELLATE CRIMINAL.

Before Mr. Justice Wallace.

1926,
December 21.

MARUTHUMUTHU KUDUMBAN (PETITIONER),
FIRST ACCUSED,

v.

KING-EMPEROR.*

Criminal Procedure Code (Act V of 1898), sec. 174—Inquest under—Copies of statements made at—Accused's right to obtain—Same procedure as under section 162—Post-mortem certificate—Inquest report—Accused's right to copies of.

Statements made at an inquest under section 174 of the Code of Criminal Procedure are statements made to a Police Officer "in the course of an investigation under the chapter" under section 162, and not being public documents, an accused is not entitled to copies of such statements.

An accused is entitled to copies of the *post-mortem* certificate and of the inquest report (excluding statements therein).

In re *Peramasami Naidu* (1924) 22 L.W., 784, referred to. PETITION under sections 435 and 439 of the Code of Criminal Procedure, 1898, praying the High Court to revise the order of the Stationary Sub-Magistrate of Periyakulam, dated 13th December 1926, and made in R.C. No. 20 of 1926.

P. S. Vaz for petitioner.

K. N. Ganpati for Public Prosecutor for the Crown.

JUDGMENT.

The investigation under section 174 of the Code of Criminal Procedure is made by the police officer, and the statements are, therefore, statements made to a police officer "in the course of an investigation under this chapter" under section 162 of the Code of Criminal Procedure. The fact that the inquest is held in the

* Criminal Revision Case No. 985 of 1926.

presence of two or more respectable inhabitants does not render the statements taken there any the less statements made to a Police Officer: Such statements are, therefore, not public documents of which accused is entitled to a copy and the procedure which governs the grant of copies of statements under section 162 of the Code of Criminal Procedure, governs also the grant of copies of statements made at the inquest.

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The latest ruling of the Court on this subject is reported in *Peramasami Nayudu, In re.*(1)

As to the *post-mortem* certificate, I can see no objection to the grant of a copy of that and in practice I think that when the medical officer is not examined at the beginning of the enquiry, a copy of the *post-mortem* certificate ought to be given to the accused for the purpose of enabling him to conduct his defence. The same remark will apply to the inquest report (excluding statements made therein) when the investigating police officer is not examined at the beginning of the enquiry.

With these remarks the petition is dismissed.

B.C.S.