



Crl.OP.No.18704 of 2026

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.18704 of 2026 and
Crl.MP.No.12444 of 2026

1.N.Mohan Kumar
2.N. Arun Kumar
3.N. Poornachandran
4.G. Navaneetha Pandiyan
5.K. Dharani

... Petitioners

Vs.

1.The State rep by the Inspector of Police,
Law and Order,
T6, Avadi Police Station,
Chennai.
(Crime No.1074/2012)

2.Ambigapathy
(R2 is suomotu impleaded as per the order of this court dated 15.07.2026
in Crl.OP.No.18704 of 2026 and Crl.MP.No.12444 of 2026)

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS,
praying to set aside the order dated 06.07.2026 made in Crl.MP.No.2 of
2025 in Crl A No.8 of 2020, pending on the file of the Learned Additional
District and Sessions Judge-II, Poonamallee

For Petitioners : M.Deivanandam



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For Respondents

For R1 : Mr.M.Dinesh,
Government Advocate(Crl.side)

For R2 : Mr.N.Saravanan

ORDER

This criminal original petition has been filed praying to set aside the order dated 06.07.2026 made in Crl.MP.No.2 of 2025 in Crl A No.8 of 2020, pending on the file of the learned Additional District and Sessions Judge-II, Poonamallee, thereby dismissing the petition filed under Section 391(1) of Cr.P.C. seeking permission to produce the medical certificate issued by the prison doctor.

2. The petitioners are accused in SC.No.134 of 2014 on the file of the Assistant Sessions Court, Poonamallee. They were charged for the offence punishable under Sections 341, 326, 307, 323, 326, r/w 34 of IPC.

3. The case of the prosecution is that on 26.06.2012, at about 8.15 p.m., PW2, son of PW1 and PW3, was returning home in his Sumo Victa (TN 20 BE 8575). Due to prior enmity over a compound wall and drainage issues, A1 and A2 (sons of A4 and A5) waylaid PW2 near his house and attacked him on head with a knife. PW1 and PW3 rushed to



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intervene. However, A4 assaulted them with a hacksaw frame and A5 attacked PW1 to PW3 with a wooden log. When PW1 tried to protect PW2, A1 to A3 attacked PW2's head with knives and caused injuries on his right shoulder and head. On hearing the hue and cry, neighbours arrived. But the accused flew away. The injured were taken by car driver Narayasamy (PW4) to New Hope Hospital, Arumbakkam. At 00:30 hours, police received hospital intimation. PW8 recorded PW1's statement and registered FIR at 2:30 a.m. on 27.06.2012 in Crime No.1074/2012, under Sections 341, 323, 326 & 307 IPC against A1 to A5. Thereafter, final report was filed before the Judicial Magistrate-II, Poonamallee. After fulfilled trial, the trial court found the petitioners guilty, thereby the first accused was convicted for the offence punishable under Sections 341, 326 & 307 of IPC, the second accused was convicted for the offence punishable under Section 341 & 307 of IPC, the third accused was convicted for the offence punishable under Sections 307 & 34 of IPC, the fourth accused was convicted for the offence punishable under Sections 323, 307 r/w 34 of IPC and the fifth accused was convicted for the offence punishable under Sections 323, 307 r/w 34 IPC. Aggrieved by the same, the petitioners preferred appeal in Crl.A.No.8 of 2020. While pending the criminal appeal, the petitioners filed application under Section 391(1) of Cr.P.C. seeking permission to mark additional evidence

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i.e. medical certificate of the fifth accused dated 14.08.2012 issued by the

Civil Assistant Surgeon, Special Prison for Women, Puzhal, Chennai, out patient receipt of the fifth accused issued by the Kilpauk Medical College Hospital and Medical report of the third accused dated 16.08.2012 issued by the Civil Assistant Surgeon, Central Prison Hospital, Puzhal, Chennai. However, it was dismissed. Aggrieved by the same, this criminal original petition has been filed.

4. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.

5. Before the trial court, the fifth accused was examined as DW1. The specific case of the defence of the accused is that PW2 only entered the house of the accused and provoked them to attack PW2 and two others with regard to drainage dispute. Due to the said incident, the third and fifth accused also sustained injuries and they were treated in Kilpauk Medical College Hospital. However, in cross examination of DW1, she stated that before the doctor who treated her in the prison it was stated that the said injury was sustained by her due to fall from a two wheeler. Due to inadvertence, she deposed like that. However, the certificate issued by the doctor who treated her in prison categorically



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certified that she was attacked by the victims. In fact, the trial court convicted the accused disbelieving the evidence of defence as if the accused did not sustain any injury during the occurrence. In order to prove the same, the petitioners filed application seeking permission to produce those certificates issued by the prison doctors.

6. On perusal of the certificate issued by the Civil Assistant surgeon, Special Prison for Women, Puzhal, Chennai, it is clear that the fifth accused was allegedly assaulted by her neighbour by a sharp weapon in her right forearm. The cut wound was around 10 cm long. She had stitches done at Kilpauk Medical College Hospital on 27.06.2012. Thereafter, she was admitted in the prison hospital and she was given treatment. It is also corroborated by Ex.D3 accident register recorded by a medical officer at Kilpauk Medical College Hospital, Chennai. It is also clear that she was assaulted with aruval and knife by four male persons, in which two are known and two are unknown persons. Likewise, A3 also sustained injuries during the occurrence and he was treated by Civil Assistant Surgeon, Central Prison, Puzhal and it was certified that the third accused had sutured wound over right hand and he was admitted for observation. Thereafter, he was discharged from the prison hospital on 06.07.2012. Therefore, those documents are vital to defend the charges by

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the accused. However, without considering the above, the appellate court dismissed the petition.

7. In view of the above discussion, the impugned order is set aside and this criminal original petition is allowed. The appellate court is directed to permit the petitioners to mark the documents i.e. medical certificate of the fifth accused dated 14.08.2012 issued by the Civil Assistant Surgeon, Special Prison for Women, Puzhal, Chennai, out patient receipt of the fifth accused issued by the Kilpauk Medical College Hospital and Medical report of the third accused dated 16.08.2012 issued by the Civil Assistant Surgeon, Central Prison Hospital, Puzhal, Chennai through DW1 and the petitioners are also at liberty to examine the prison doctor, if necessary. It is made clear that the above process shall be completed within a period of eight weeks from the date of receipt of this order. Consequently, connected miscellaneous petition is closed.

20.08.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

- 1.Learned Additional District and Sessions Judge-II, Poonamallee
- 2.Inspector of Police,
Law and Order,
T6, Avadi Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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