

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.14823 of 2016

Crl.M.P.No.7389 of 2016

B.Manivel

.. Petitioner/Petitioner/
Accused

Vs

The State rep by
The Deputy Superintendent of Police
C.B.C.I.D

Trichy

(Crime No.149 of 2013)

.. Respondent/Respondent/
Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 04.06.2016 made in C.M.P.No.87 of 2016 in S.S.C.No.26 of 2015 on the file of the Sessions Judge (Fast Track Mahila Court), Thiruvavur and to allow the above criminal original petition.

For Petitioner :Mr.C.Prabakaran

For Respondent :Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

This petition has been filed to set aside the order dated 04.06.2016 made in C.M.P.No.87 of 2016 in S.S.C.No.26 of 2015 on the file of the Sessions Judge (Fast Track Mahila Court), Thiruvavur and to allow the above criminal original petition.

2. It is seen that this petitioner is facing trial for offences u/s 376, 302 and 201 IPC in S.S.C.No.26/2015 before the Sessions Judge (Fast Track Mahila Court) Tiruvavur. After the prosecution examined their witnesses, the accused were questioned u/s 313 Cr.P.C. on 15.10.2015. Thereafter, when the case was posted for arguments on 19.01.2016, written arguments were filed by the accused. Subsequently, on 25.04.2016, the accused filed a petition u/s 91 Cr.P.C. calling for certain documents from the medical authorities in order to show as to who had summoned the ambulance 108. This petition was numbered as Cr.M.P.No.87/2016 in S.S.C.No.26 of 2015 and after hearing both sides, the trial Court has

dismissed the petition on 04.06.2016, aggrieved by which the petitioner/accused is before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the records.

4. Learned counsel for the petitioner submitted that the documents that were called for by the petitioner are very much relevant in order to prove his innocence. It is seen that the accused had not made any reference to the relevancy of these documents in the petition filed under Section 91 Cr.P.C. In State of Orissa vs. Debendra Nath Padi [2004 AIR SCW 6813], the Supreme Court has clearly stated that Section 91 Cr.P.C. cannot be used for making a fishy enquiry. That apart, even when the accused were questioned under Section 313 Cr.P.C., they had merely stated that the case is a false case and had not spoken a word about the desirability of producing the documents in question. The accused have also not founded their defence upon these documents. Admittedly, in this case, the initial FIR was registered for an offence under Section 174 Cr.P.C. and only thereafter, the case was altered to the aforesaid offence. In the light of the above, the prayer for the petitioner for summoning certain records which are too vague, is only an attempt to further prolong the trial.

In the result, this petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Deputy Superintendent of Police
C.B.C.I.D
Trichy.

2. Sessions Judge (Fast Track Mahila Court),
Thiruvavarur.

3.The Public Prosecutor,
High Court, Madras.

Cr1.OP No.14823 of 2016

PVS (CO)

En 11.08.16

<https://hcservices.ecourts.gov.in/hcservices/>