

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4024 of 2021
and Crl.MP No.2468 of 2021

Mani

.. Petitioner/Accused-3

Vs.

State Rep. By
The Inspector of Police,
B-7, Vellavedu Police Station,
Thiruvallur,
Crime No.331 of 2015

.. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Crl MP No.2627 of 2020 dated 15.02.2021 on the file of the learned Judicial Magistrate No.II, Poonamallee at Thiruvallur and set aside the order dated 15.02.2021.

For Petitioners : Mr.Krishnamurthi for
M/s.J.B.Solomon Peter Kamal Doss

For Respondent No.1 : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner under Section 91 of Cr.PC.

2. The petitioner is facing trial before the Court below along with two other accused persons for an offence under Section 294(b) and 323 IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act. During the Course of trial, the petitioner who has been arrayed as A3 in this case, filed an application under Section 91 of Cr.PC seeking for the following documents :-

(a) General Section Diary for the period of 17.09.2015 to 30.09.2015.

(b) General Diary of the Police Station for the period of 17.09.2015 to 30.09.2015. and

(c) PSR for the period of 17.09.2015 to 30.09.2015 which are under the custody of the petitioner of the Inspector of Police, B7, Vellavedu Police Station, Thiruvallur.

3. The Court below dismissed the application and aggrieved by the same, this petition has been filed before this Court.

4. Heard the learned counsel for the petitioner and Mr. Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondents.

5. The Court below had dismissed the application mainly on the ground that the petitioner has not cross examined any of the prosecution witness and established defence and therefore, there was absolutely no reason for the petitioner to seek for the documents even without establishing a defence.

6. During the pendency of this petition, the application filed for recall of PW1 to PW3 was allowed and all these three witnesses have been cross-examined by the petitioner.

7. The respondent police have filed a counter affidavit to the effect that none of the documents sought for by the petitioner is available and all these documents were damaged while shifting the police station.

8. In view of the specific stand taken by the respondent, no useful purpose will be served in directing the respondent to produce the above documents. It is left open to the petitioner to put the relevant questions during cross examination of the investigation officer.

9. This criminal original petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
B-7, Vellavedu Police Station,
Thiruvallur,
Crime No.331 of 2015
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.J.B.SOLOMON PETER KAMAL DOSS Advocate, S.R.No.17540

CrI.O.P.No.4024 of 2021

VBM(CO)
BE(13/07/2021)



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