

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.4366 of 2021
and Cr1.MP No.2811 of 2021

Mani

.. Petitioner/Accused-3

Vs.

1. State Rep. By
The Inspector of Police,
B-7, Vellavedu Police Station,
Thiruvallur,
Crime No.331 of 2015
 2. The Superintendent,
The Government General Hospital,
Thiruvallur
- ... Respondents /Complainants

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Cr1 MP No.2628 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 Petitioner : Mr.Krishnamurthi for
M/s.J.B.Solomon Peter Kamal Doss

For Respondent : Mr.M.Mohammed Riyaz
No.1 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, wherein the petitioner has sought for the production of some medical records from the General Government Hospital, Thiruvallur.

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) Accident Register
- (b) case History
- (c) lab reports
- (d) wound Certificate etc.,

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 complainant and her mother did not take any treatment in the hospital, since there was no external injury and therefore, the documents sought for by the petitioner is irrelevant in the present case.

6. A careful reading of the application filed by the petitioner shows that it was A1, who is said to have been attacked by the defacto complainant's father and others. The petitioner has been arrayed as A3 in this case. No application has been filed by A1 to send for medical records and strangely, the petitioner has filed such an application.

7. In view of the above, this Court does not find any ground to allow the application filed by the petitioner and there is no ground to interfere with the order passed by the Court below.

8. In the result, this criminal Original Petition is dismissed. 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 Superintendent,
The Government General Hospital,
Thiruvallur
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.B. SOLOMON PETER KAMAL DOSS, Advocate, S.R.No.17541

Crl.O.P.No.4366 of 2021

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



17.03.2021

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