



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twentieth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice S.VAIDYANATHAN
and
The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) No.11633 of 2021
IN
CRL A(MD)No.374 of 2018

DURAIRAJ

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
UPPILLYAPURAM POLICE STATION,
THURAIYUR,TRICHY DISTRICT.
(CRIME NO.79/2015)

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to permit the petitioner to mark documents as additional evidence by summoning the documents relating to the medical records pertaining to petitioner/appellant in file bearing No.016127 Athma Hospital and PIN 13606 and CROP No.60/15 Institute of Mental Health, Kilpauk available with (1) Athma Hospital, No.12-B, 10th Cross(East), Thillai Nagar, Tiruchirapalli-620 018 and (2) Institute of Mental Health, Kilpauk, Chennai-600 010 respectively and consequently mark those documents as additional evidence on the side of the petitioner/appellant in the above criminal appeal in Crl.A.(MD) No.374 of 2018.

PRAYER IN CRL A(MD)No.374/2018:

To call for the records relating to judgment in S.C.No.70/2016 dated 06.01.2018 on the file of the learned Principal Sessions Judge, Tiruchirapalli and set aside the same and acquit the appellant/accused from the charge leveled against him.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.V.ARUN, Advocate for the petitioner and of



Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by **DR.G.JAYACHANDRAN, J.**]

This petition filed under Section 391 of Cr.P.C., for production of documents as additional evidence. Normally, in an appeal, any application filed for production of additional document, Court will be very reluctant to entertain the same unless and until there is imminent necessary to call for the records and there was impediment for the petitioner producing the same during trial.

2. In this case, the Court is bound to allow this petition for the reason that, in the Trial, defense of insanity has been taken by the accused and in fact, Ex.D4 been marked which indicates the accused/appellant had an medical history since 07.04.2014 and he was also a voluntary boarder in Kilpauk Hospital and diagnosed as schizophrenia. The date of occurrence is on 23.03.2015. Since there was no supporting documents except the discharge summary-Ex.D4 which indicates that the patient was admitted on 07.06.2015, much after the occurrence. This was pursuant to the direction of the Magistrate while the accused was in judicial custody. The trial Court has held that on the date of occurrence, there is no medical record to show the accused was under any mental illness.

3.To ensure whether the appellant/accused really had medical history prior to the occurrence, it is necessary for this Court to call for the records sought under this petition to ensure and satisfy about the actual mental condition of the appellant/accused on the date of occurrence. Hence, this petition is allowed.

4. Accordingly, the Dean, ATHMA Hospital, No.12-B, 10th Cross (East), Thillai Nagar, Tiruchirapalli-620 018 and the Dean, Institute of Mental Health, Kilpauk, Chennai-600 010 are hereby directed to produce the medical records pertaining to the petitioner/accused, namely, Durairaj, in file bearing No.016127 at ATHMA Hospital and PIN-13606 and CROP No.60/15 at Institute of Mental Health, Kilapuk, either in person or through the learned Additional Public Prosecutor before this Court on 10.01.2022.

5.The Registry is directed to forward this order to the two institutions, viz., (1)ATHMA Hospital, No.12-B, 10th Cross(East), Thillai Nagar, Tiruchirapalli-620 018 and (2) Institute of Mental Health, Kilpauk, Chennai-600 010, before 23.12.2021.

sd/-

20/12/2021

/ TRUE COPY /

20/12/2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
TIRUCHIRAPALLI
- 2 THE INSPECTOR OF POLICE
UPPILLYAPURAM POLICE STATION,
THURAIYUR, TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE DEAN
ATHMA HOSPITAL,
NO.12-B, 10TH CROSS (EAST),
THILLAI NAGAR, TIRUCHIRAPALLI-620 018.
- 2 THE DEAN
INSTITUTE OF MENTAL HEALTH,
KILPAUK, CHENNAI-600 010.

ORDER

IN

CRL MP (MD) No.11633 of 2021
IN

CRL A (MD) No.374 of 2018

Date : 20/12/2021

SA/VR/SAR.1/20.12.2021/3P/6C