

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.5524 OF 2022

AND

CRL.M.P.NO.3029 OF 2022

Subash Chandra Bose

... Petitioner/Accused

Versus

The State Represented by
The Station House Officer,
Veppur Police Station,
Cuddalore District.
(Crime No.188 of 2019)

... Respondent/Complainant

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 04.01.2022 passed in Crl.M.P.No.2165 of 2021 in Spl.S.c. No.118 of 2019 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore and set aside the same.

For Petitioner : Mr.R.Dilli Kumar

For respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, dismissing the petition filed by the petitioner under Section 91 Cr.P.C. calling for the birth certificate of the victim as well as Case Diary maintained by the respondent police.

2. The learned trial Court has partly allowed the petition in respect of calling for the birth certificate whereas dismissed the petition in so far as calling of Case Diary is concerned. Challenging the same, the present Criminal Original petition is filed.

3. Heard Mr.R.Dilli Kumar, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the respondent.

4. At the outset, this Court is of the view that the Case Diary maintained by the respondent Police cannot be called for by the accused. Only the Court can use the Case Diary during trial and even in that case, the same cannot be used as evidence. According to Section 172 (3) Cr.P.C., neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court. Except for the purposes as provided under Section 172 Cr.P.C., the Case Diary cannot be used for any other purpose. In such view of the matter, this Court do not find any merits in this petition.

5. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Station House Officer,
Veppur Police Station,
Cuddalore District.
2. The Public Prosecutor,
High Court of Madras.

Copy To:-

The Sessions Judge,
The Special Court for Exclusive Trial
of cases under POCSO Act,
Cuddalore.

CRL.O.P.NO.5524 OF 2022

PMK(CO)
PBS/11/07/2022