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CrL.OP.No.9188 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.9188 of 2024

and

CrL.MP.No.6442 of 2024

Lekha Sankar

.... Petitioner

Vs.

K.J.Sanjay

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to set aside the order dated 01.03.2024 in CrL.MP.No.52569 of 2023 in C.C.No.6625 of 2023 on the file of the II Metropolitan Magistrate, Egmore.

For Petitioner : Mr.Shaikh Mehrunisa

ORDER

This Criminal Original Petition is filed by the private complainant, being aggrieved by the dismissal of the petition filed under Section 91 of Cr.P.C.

2. The petition is filed before the trial Court to direct the accused to



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produce his Birth Certificate, Aadhar Card, Pan Card, Voters Identity Card and Driving Licence. The trial Court has rightly observed that the petition is filed when the complainant is supposed to mount a witness box and give evidence. The accused has a right of silence and he cannot be compelled to produce documents.

3. Being a private complaint and the entire allegation is narrated in the complaint along with documents relied, a roving enquiry forcing the accused to produce his personal documents will not arise.

4. The learned Counsel appearing for the petitioner submitted that dismissal of the petition filed under Section 91 of Cr.P.C should not stand in the way of cross examining the defence side witnesses pertaining to the documents sought for.

5. This Court finds Evidence Act does not bar from cross examining the witness by the adverse party by putting questions which are permissible under the Evidence Act and any question regarding existence of a document is always permissible and therefore the apprehension expressed by the counsel is unfounded. The trial Court shall



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take note of the provisions of the Evidence Act and permit the petitioner to cross examine the defence side witnesses within the parameters of the Evidence Act.

6. With the above observations, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

15.04.2024

Vv

To

1. The II Metropolitan Magistrate,
Egmore
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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