



WEB COPY



**Crl.O.P.(MD) No.10309 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 11.07.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**CRL.O.P (MD) No.10309 of 2024**

**and**

**CRL.M.P (MD) No.6972 of 2024**

Suresh

... Petitioner

Vs

The Inspector of Police,  
K.K.Nagar Police Station,  
Trichy.  
Cr.No.396/2021.

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order dated 7th May 2024 made in Crl.M.P. No. 7032/2024 in SC.No.47/2023 by learned Chief Judicial Magistrate, Trichy and allow the same.



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For Petitioner : Mr. R M Sivakumar,

For Respondent : Mr.M.Sakthi Kumar  
Government Advocate (Crl.Side)

### **ORDER**

This criminal original petition has been filed seeking to set aside the order passed by the learned Chief Judicial Magistrate, Trichy in Crl.M.P.No. 7032 of 2024 in S.C.No.47 of 2023, dated 07.05.2024.

2.The learned Counsel appearing for the petitioner submits that the petitioner has filed a petition under Section 91 Cr.P.C., seeking to call for the General Diary of the respondent Police Station pertaining from 10.08.2021 to 20.08.2021 and 55 Registers maintained by the learned Judicial Magistrate No.II, Trichy pertaining to 13.08.2021. However, the trial Court has dismissed the application recording the manner in which, the witness P.W.12 was cross-examined.



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3.In fact, with regard to the delay in despatch of the material objects, the petitioner has also raised certain questions during the cross-examination of the witness P.W.12/investigation officer. Therefore, the petitioner can very well establish his case through the evidence of the investigation officer. The trial Court has also dismissed the application by considering the ratio laid down by the Hon'ble Supreme Court in the case of ***Ashok Rai Vs. State of Uttar Pradesh.***

4.In view of the above, this Court is of the opinion that since the General Diary is consisting of details including all the affairs of the police station, it cannot be summoned just like that for marking it for a particular case that too, for the purpose of ascertaining the despatch of the material object.

5.The petitioner had an opportunity to cross-examine the investigation officer, the petitioner has also cross-examined the investigation officer and he has also elicited the question with the investigation officer. Therefore, the petitioner can make out his case through cross-examination of the investigation officer for this purpose.



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This Court is not inclined to interfere with the orders of the trial Court.

Accordingly, this criminal original petition is dismissed. Consequently, the connected miscellaneous petition is closed.

**11.07.2024**

NCC : Yes/No  
Internet: Yes/No  
Index: Yes/No  
LR

To  
1.The Inspector of Police,  
K.K.Nagar Police Station,  
Trichy.

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

LR

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