



Crl.R.C.No.1523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1523 of 2024
and Crl.M.P.No.12712 of 2024

A.B.Sai Divya

... Petitioner

Vs.

1. State Rep. by
Inspector of Police,
F5, Choolaimedu Police Station,
Chennai – 94.

2. Rajkumar

... Respondents

PRAYER: Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., praying to call for the entire records pertaining to the impugned order dated 25.03.2024 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai-15 in Crl.M.P.No.68 of 2024 in C.C.No.3719 of 2022 and set aside the same by allowing the Criminal Revision Petition.

For Petitioner : Mr.E.V.Chandru
For Mr.E.Chandrasekaran

For Respondents
For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)
For R2 : Mr.M.G.Martinmanivannan



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ORDER

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This criminal revision has been preferred against the order dated 25.03.2024 passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai-15 in Crl.M.P.No.68 of 2024 in C.C.No.3719 of 2022, thereby dismissing the petition filed by the petitioner seeking permission to mark additional document through P.W.1.

2. The petitioner is the defacto complainant and she lodged complaint as against the second respondent and the same was registered in Crime No.81 of 2021 for the offences punishable under Sections 294(b), 506(1) & 509 of IPC. After completion of investigation, the first respondent filed final report and the same was taken cognizance by the trial Court in C.C.No.3719 of 2022. While pending trial, the first respondent/Police filed an application under Section 242(2) of Cr.P.C., seeking permission to mark some material objects along with certificate obtained under Section 65(B) of the Indian Evidence Act, through P.W.1., on the ground that the photos and mobile phone, which had internal storage of real contents were stored, were produced before the investigation officer during the investigation. After verifying the storage content and considering the safe custody, the investigation officer directed the complainant to keep the mobile phone and photos safely. Further instructed the



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complainant to produce the same at the time of filing charge sheet. However due to inadvertent, while filing the final report, those materials had not been produced. After cross examination of P.W.1, the prosecution filed the application seeking permission to mark those material objects through P.W.1. However, it was dismissed on the ground that the photographs produced by the prosecution are no way connected with the alleged occurrence. Aggrieved by the same, the petitioner filed the present revision.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. It is curious to note that the trial Court cannot reject the application seeking permission to produce the material object on the ground that the material produced by the prosecution does not lead even for any presumption or assumption to incriminate the accused. The material can be produced by the prosecution for all purposes. Therefore, it need not be contained the photographs of the accused. Admittedly, during the investigation the petitioner submitted the photographs and mobile phone. Due to inadvertent, the same were not filed before the trial Court. Further, no prejudice would be caused to the accused viz., second respondent, if the prosecution is permitted to



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produce those material objects through P.W.1. Hence, the impugned order

passed by the trial Court cannot be sustained and is liable to be set aside

5. In view of the above discussions, the impugned order dated 25.03.2024 passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai-15 in Crl.M.P.No.68 of 2024 in C.C.No.3719 of 2022, is hereby set aside. The trial Court is directed to fix a date to examine P.W.1 and to mark the material objects. If the prosecution failed to produce the material objects through P.W.1 on the date fixed by the trial Court, the trial Court is directed to proceed further in accordance with law.

6. With the above directions, this Criminal Revision Case stands allowed. Consequently, connected miscellaneous petition is closed.

08.07.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order

rts



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1. The XVII Metropolitan Magistrate,
Saidapet, Chennai-15.
2. The Inspector of Police,
F5, Choolaimedu Police Station,
Chennai – 94.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J,

rts

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