



Crl.R.C.No.707 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

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

Crl.R.C.No.707 of 2025

Suganthi

..... Petitioner

Vs

1.Venkatachalam
2.Adhimoolam
3.Alamelu
4.State Rep. by
Inspector of Police,
All Women Police Station,
Sethiyathope,
Cuddalore District
(crime No.2 of 2018)

..... Respondents

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, praying to set aside the order passed in Crl.MP.No.401 of 2025 in CC.No.106 of 2018 dated 21.04.2025 on the file of the Judicial Magistrate No.1 at Chidambaram, by allowing the present criminal revision petition.

For Petitioner : M/s.S.Thankira

For Respondents

For R1 to 3 : Mr.P.Tamibvel

For R4 : Mr.A.Gopinath,
Government Advocate(crl.side)



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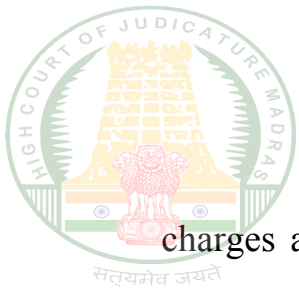
ORDER

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This criminal revision case has been preferred against the order passed in Crl.MP.No.401 of 2021 in CC.No.106 of 2018 on the file of the Judicial Magistrate-I, Chidambaram, thereby dismissing the petition sought for further investigation under Section 173(8) of Cr.P.C.

2. On a complaint lodged by the petitioner, the fourth respondent registered FIR in crime No.2 of 2018 and completed investigation. After completion of investigation, final report was filed and the same was taken cognizance by the trial court in CC.No.106 of 2018 for the offence punishable under Sections 498A, 406 & 506(ii) of IPC. Pending trial, the fourth respondent filed a petition for further investigation so as to file additional final report along with the documents which had been produced by the petitioner. However, the said petition was dismissed. Aggrieved by the same, the present criminal revision case has been filed.

3. The learned counsel for the petitioner would submit that even during the investigation, the petitioner had handed over certain documents and even after filing final report, the petitioner obtained an encryped bank statement from Singapore. Therefore, those documents are vital documents to prove the



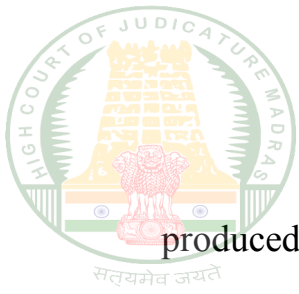
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charges against respondents 1 to 3. She also relied upon the judgment of the

Hon'ble Supreme Court of India in the case of ***Sameer Sandhir Vs. Central Bureau of Investigation*** rendered in ***Crl.A.Nos.4718-4719 of 2024*** dated 23.05.2025.

4. Per contra, the learned counsel for respondents 1 to 3 submitted that the petitioner did not even whisper the reason for not producing the documents while filing final report. When the matter is posted for argument, through the fourth respondent, the petitioner filed the petition for further investigation, which cannot be done when there are no materials. Even according to the petitioner, now they want to produce some documents which were very much available during the investigation. Therefore, it is nothing but filling up the lacuna and it cannot be permitted at any point of time. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***K.Vadivel Vs. K.Shanthi*** reported in ***2024 (4) CTC 756***.

5. The learned Government Advocate(crl.side) appearing for the fourth respondent submitted that the prosecution wants to mark those documents which were produced by the defacto complainant during investigation. However, due to inadvertence, all the documents were not



produced along with the charge sheet.

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

7. On perusal of records, it is revealed that though the fourth respondent filed petition seeking for further investigation, the petitioner produced documents during the investigation. However, those documents were not part and parcel of the charge sheet filed by the fourth respondent. The documents are as follows:

(i) certified copy of sale deed in October 2021 in the name of the respondent/accused-A2

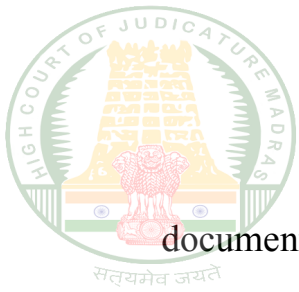
(ii) salary details of the accused-A2 namely Aadhimoolam

(iii) salary details of the accused -A1 namely Venkatachalam

(iv) encrypted bank statement sent by DBS Bank, Singapore

(v) video record of panchayath that took place on 18.03.2017 at the house of the defacto complainant's house etc.

8. Therefore, there is no question of further investigation. The



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documents which are produced by the defacto complainant are required to be marked before the trial court. The learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Sameer Sandhir Vs. Central Bureau of Investigation** rendered in Crl.A.Nos. 4718-4719 of 2024 dated 23.05.2025, in which it is held as follows:

11. It is necessary to refer to the decision of this Court in the case of R.S.Pail. Paragraph 7 of the said decision is material, which reads thus:

“7. From the aforesaid sub-sections, it is apparent that normally, the investigating officer is required to produce all the relevant documents at the time of submitting the charge- sheet. At the same time, as there is no specific prohibition, it cannot be held that the additional documents cannot be produced subsequently. If some mistake is committed in not producing the relevant documents at the time of submitting the report or the charge-sheet, it is always open to the investigating officer to produce the same with the permission of the court. In our view, considering the preliminary stage of prosecution and the context in which the police officer is required to forward to the Magistrate all the documents or the relevant extracts thereof on which the prosecution proposes to rely, the word “shall” used in sub-section (5) cannot be interpreted as mandatory, but as directory. Normally, the documents gathered during the investigation upon which the prosecution wants to rely are required to be forwarded to the Magistrate, but if there is some



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omission, it would not mean that the remaining documents cannot be produced subsequently. Analogous provision under [Section 173\(4\)](#) of the Code of Criminal Procedure, 1898 was considered by this Court in [Narayan Rao v. State of A.P.](#) [AIR 1957 SC 737 : 1958 SCR 283 : 1957 Cri LJ 1320] and it was held that the word “shall” occurring in sub-section (4) of Section 173 and sub-section (3) of Section 207-A is not mandatory but only directory. Further, the scheme of sub-section (8) of Section 173 also makes it abundantly clear that even after the charge-sheet is submitted, further investigation, if called for, is not precluded. If further investigation is not precluded then there is no question of not permitting the prosecution to produce additional documents which were gathered prior to or subsequent to the investigation. In such cases, there cannot be any prejudice to the accused. Hence, the impugned order passed by the Special Court cannot be sustained.” (emphasis added) This decision holds that if there is an omission on the part of the prosecution in forwarding the relied upon documents to the learned Magistrate, even after the chargesheet is submitted, the prosecution can be permitted to produce the additional documents which were gathered prior to or subsequent to the investigation.

12. The learned senior counsel appearing for the appellant relied upon what is held in paragraph 38 of the decision in the case of *Mariam Fasihddin & Anr*², which reads thus:



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“38. It is a matter of record that in the course of ‘further investigation’, no new material was unearthed by the investigating agency. Instead, the supplementary charge sheet relies upon the Truth Lab report dated 15.07.2013, obtained by Respondent No. 2, which was already available when the original chargesheet was filed. The term ‘further investigation’ stipulated in [Section 173\(8\) CrPC](#) obligates the officer-in-charge of the concerned police station to ‘obtain further evidence, oral or documentary’, and only then forward a supplementary report regarding such evidence, in the prescribed form.” This decision is of the Bench of two Hon’ble Judges. It does not make any departure from the decision of this Court in the case of *R.S.Pai*l.

13. Another Bench of this Court, consisting of three Hon’ble Judges, in its decision in the case of *Arjun Panditrao Khotkar*3, in paragraph 55, reiterated the law [laid down in the case of R.S.Pai](#)l. Paragraphs 55 and 56 of [the said decision](#) read thus:

“55. In a criminal trial, it is assumed that the investigation is completed and the prosecution has, as such, concretised its case against an accused before commencement of the trial. It is further settled law that the prosecution ought not to be allowed to fill up any lacunae during a trial.

As recognised by this Court in *CBI Vs. R.S.Pai* (*CBI Vs.R.S.pai*) (2002) 5 SCC 82:2002 SCC (Cri) 950], the only exception to this general rule is if the prosecution had



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“mistakenly” not filed a document, the said document can be allowed to be placed on record. The Court held as follows :

“7. From the aforesaid sub- sections, it is apparent that normally, the investigating officer is required to produce all the relevant documents at the time of submitting the charge-sheet. At the same time, as there is no specific prohibition, it cannot be held that the additional documents cannot be produced subsequently. If some mistake is committed in not producing the relevant documents at the time of submitting the report or the charge-sheet, it is always open to the investigating officer to produce the same with the permission of the court.”

56. Therefore, in terms of general procedure, the prosecution is obligated to supply all documents upon which reliance may be placed to an accused before commencement of the trial. Thus, the exercise of power by the courts in criminal trials in permitting evidence to be filed at a later stage should not result in serious or irreversible prejudice to the accused. A balancing exercise in respect of the rights of parties has to be carried out by the court, in examining any application by the prosecution under Sections 91 or 311 CrPC or Section 165 of the Evidence Act. Depending on the facts of each case, and the court exercising discretion after seeing that the accused is not prejudiced by want of a fair trial, the court may in appropriate cases allow the prosecution to produce such certificate at a later point in time. If it is the accused who desires to produce the requisite certificate as part of his defence, this again will



*depend upon the justice of the case — discretion to be exercised
by the court in accordance with law.”*

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9. Thus, the exercise of power by the Courts in criminal trials in permitting evidence to be filed at a later stage should not result in serious or irreversible prejudice to the accused. A balancing exercise in respect of the rights of parties has to be carried out by the Court, in examining any application by the prosecution. Therefore, there is no specific prohibition, it cannot be held that the additional documents cannot be produced subsequently. If some mistake is committed in not producing the relevant documents at the time of submitting the report or the charge-sheet, it is always open to the investigating officer to produce the same with the permission of the Court. Therefore, the Trial Court ought to have permitted the prosecution to produce the documents which were already submitted by the defacto complainant to the investigation officer.

10. The learned counsel for respondents 1 to 3 relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***K.Vadivel Vs. K.Shanthi*** reported in **2024 (4) CTC 756**, wherein it is held that the power of the Magistrate to direct “further investigation” is a significant power which has to be exercised sparingly, only in exceptional cases and to achieve the ends of



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justice. To provide fair, proper and unquestionable investigation is the obligation of the investigating agency and the court in its supervisory capacity is required to ensure the same. In the case on hand, the fourth respondent is not going to conduct any further investigation. The documents which were produced before the investigation, have to be marked through the prosecution witnesses. That apart, there is no quarrel that power of ordering further investigation has to be exercised sparingly that too in exceptional cases and to achieve the ends of justice. Therefore, the trial court ought to have allowed the prosecution to produce the documents which were produced by the defacto complainant during the investigation to achieve the ends of justice.

11. In view of the above, the impugned order cannot be sustained and the same is liable to be set aside. Accordingly, the impugned order passed in Crl.MP.No.401 of 2025 in CC.No.106 of 2018 dated 21.04.2025 on the file of the Judicial Magistrate No.1 at Chidambaram, is set aside. The fourth respondent is directed to mark the documents as mentioned above through PW1 by recalling PW1.

12. With the above direction, this criminal revision case stands allowed.



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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.
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To
1.Judicial Magistrate No.1 at Chidambaram
2.Inspector of Police,
All Women Police Station,

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Sethiyathope,
Cuddalore District
3. The Public Prosecutor,
High Court, Madras.

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