



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 22759 of 2025 and
Crl.M.P.No.15570 of 2025**

Subramani (died)

1. Thiwari

Residing at No.24, Anna Street, Minjur
Colony, Minjur, Ponneri Taluk,
Thiruvallur District. Subramani (Died).

2. Kutty @ Mohan

Residing at No.24, Anna Street, Minjur
Colony, Minjur, Ponneri Taluk,
Thiruvallur District.

3. Charanjraj

Residing at No.24, Anna Street, Minjur
Colony, Minjur, Ponneri Taluk,
Thiruvallur District.

4. Vinothkumar

Residing at No.24, Anna Street, Minjur
Colony, Minjur, Ponneri Taluk,
Thiruvallur District.

5. Ila @ Ilanchezhiyan

Residing at No.24, Anna Street, Minjur
Colony, Minjur, Ponneri Taluk,
Thiruvallur District.

Petitioner(s)



Vs.

1. The State Rep by, The Inspector of
Police,
Minjur Police Station, Thiruvallur
District. Cr.No.397/2014.

Respondent(s)

PRAYER : Petition filed under Section 528 of BNSS, to set aside the order of dismissal, by impugned order dated 07.04.2025 made in Crl.M.P.No.1/2025 in SC No.149/2017 by the Honble IV-Additional District Sessions Judge, Thiruvallur at Ponneri.

For Petitioner(s): E.Prabu
S.Mohan
M.Peer Mohammed
M.Mohideen Pitchai
K.Gowtham
M.Raghul
B.Vignesh
R.Shivshangar
B.Nandhakrishnan
Ragul Babu
J.Iswarya

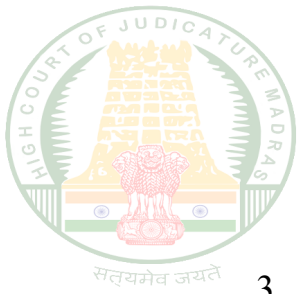
For Respondent(s): Mr.R.Vinoth Raja,
Govt. Advocate (Crl.Side)

**ORDER**

WEB COPY

This Petition has been filed to set aside the order of dismissal, by impugned order dated 07.04.2025 made in CrI.M.P.No.1/2025 in SC No.149/2017 by the Hon'ble IV-Additional District Sessions Judge, Thiruvallur at Ponneri.

2. It is the contention of the learned counsel for the petitioners that the petitioners have been falsely implicated in the murder charge. Therefore, in order to prove that, the earlier complaint general diary has to be produced. It is further contended that Cr.No.381 of 2014 was given as S.No.4553600 which had occurred on 10.09.2014. Whereas, in the subsequent Crime Number in which the petitioners were arrayed as accused for the occurrence took place on 17.09.2014 the FIR serial number is S.No.4553541. Hence, to prove the discrepancy, the general diary is required. However, the Trial Court has not considered the application filed to call for the general diary.



WEB COPY

3. Admittedly, the petitioners have been charged for the offence under Sections 147, 148, 307 and 302 r/w. 149 I.P.C. The trial is almost completed. P.W.1 to P.W.20 have been examined. At this stage, the said application has been filed under Section 91 of Cr.P.C. Just filing an application under Section 91 itself is not maintainable to call for the general diary. Further, as per Section 172 of 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, but, if they are used by the Police Officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of Section 161 or Section 145 as the case may be, of the Indian Evidence Act, shall apply.

4. As a matter of right, the accused are not entitled to call for the diary. To elicit such discrepancy, the petitioners can very well cross examine the Investigation Officer during the course of examination. In such view of the matter, I do not find any merits in this Petition and the same is liable to be



dismissed.

WEB COPY

5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

18-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

gsk



WEB COPY

To

1.The State Rep by, The Inspector of
Police,

Minjur Police Station, Thiruvallur District. Cr.No.397/2014

Crl.O.P.No.22759 of 2025

2.The Public Prosecutor,
High Court of Madras.

CRL OP No. 22759 of 2025



N.SATHISH KUMAR J.

gsk

18.08.2025