



WEB COPY

CRL OP No. 24399 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 24399 of 2025

and

Crl.M.P.No.16678 of 2025

P.Jagadish
S/o.Late Mr.Poosappan,
Door No.192/7, Nalliyampalayam,
Rangampalayam Post, Erode-628 009.

Petitioner(s)

Vs

The State of Tamil Nadu Rep by,
The Inspector of Police,
All Women Police Station, Erode.
Cr.No.34/2021.

Respondent(s)

PRAYER

This Criminal Original Petition has been filed lunder Section 528 of BNSS to set aside the order dated 21.01.2025 made in Crl.M.P.No.428/2024 in Spl.SC.No.45/2022 on the file of the Hon'ble Sessions Magalir Neethi Mandram, Fast Track Court, Erode.



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For Petitioner(s): Mr.R.Harikrishnan

For Respondent(s): Mr.R.Vinothraja,
Govt. Advocate (crl.side)

ORDER

Challenge has been made to the order of the Trial Court dismissing the application filed under Section 91 of the Cr.P.C.

2. It is the contention of the petitioner that he is facing trial for the charges under Section 5(n), 5(1) and 6 of POCSO Act 2012 and Section 506(i) IPC in Spl.S.C.No.45 of 2022. In that case, he has filed a petition seeking issuance of summons to the Manager, Sri Sakthi iPriyaamills, Edayankattuvlasu, Erode, to produce the attendance register of the defacto complainant, who is the mother of the victim.

3. According to the petitioner, these documents are necessary to prove that to show that at the relevant period of the alleged occurrence, the defacto complainant could not have been present at the work place.

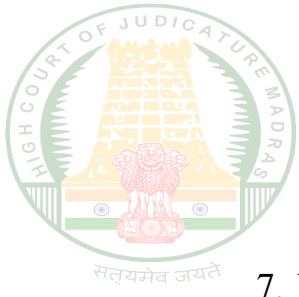


4. Heard the learned Government Advocate(crl.side) appearing for the respondent.

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5. There is no doubt that the petitioner is entitled to prove his defence before the Trial Court. However, at this stage, the production of such documents is premature. The Trial Court has already framed charges and the case is presently posted for fixing trial. Therefore, mere summoning the documents under Section 91 of Cr.P.C., at this juncture, will not serve any useful purpose. At the most, the petitioner may prove his case by summoning the concerned officer, who maintained the attendance register, at the appropriate stage of defence evidence.

6. Therefore, the petitioner is at liberty to summon the Manager of the concerned Mill as defence witness for production of relevant attendance register during the trial.



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

08-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

The Inspector of Police,
All Women Police Station, Erode.
Cr.No.34/2021.



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N.SATHISH KUMAR J.

mrp

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