



Crl.OP(MD)No.2830 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2830 of 2024
and Crl.M.P(MD).No.5725 of 2024

Musthafa

... Petitioner

Vs.

State rep. ,by
The Inspector of Police
Sessions Court Police station
Trichy.
Crime No. 56/2016

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside an order passed in Crl M.P No. 27537 of 2023 dated 13.12.2023 on the file of the learned Judicial Magistrate No.II, Trichy.

For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.M.Sakthikumar
Government Advocate (Crl. side)



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ORDER

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Seeking to set aside the order passed in Crl.M.P.No.27537 of 2023 dated 13.12.2023 on the file of the learned Judicial Magistrate No.II, Trichy, this criminal original petition is filed.

2. The petitioner, who is the first accused, along with second accused had been charged for the offences under Sections 120(B), 406, 417 and 420 r/w 34 of IPC. To disprove the charges levelled against the petitioner, an application under Section 91 of Cr.P.C., came to be filed by the petitioner seeking to produce three documents as stipulated in the petition i.e., one from Senior Administrative Officer, District Legal Services Authority, District Court Campus, Tiruchirappalli, another from Record Keeper, Central Record Room, District Court, Tiruchirappalli and one from Secretary, Bar Council of Tamil Nadu and Puducherry, High Court Campus, Chennai. However, the learned trial Court dismissed the said application by order dated 13.12.2023.



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3. The learned counsel for the petitioner submitted that the petitioner herein is an Advocate Clerk. During the course of cross-examination of P.W.1, namely, Gurunatha Prabu, he had admitted the existence of previous proceedings before the authorities, from whom the documents are sought for. Hence, the petition under Section 91 Cr.P.C., has been filed by the petitioner to substantiate his case.

4. However, the respondent had strongly objected the same relying upon the judgment of the Hon'ble Supreme Court in the case of State of *Orissa Vs., Dehendra Nath Pandhi*, reported in *(2005) 1 SCC 568*, in which, it has been held that Section 91 Cr.P.C., does not confer right on the accused to seek production of the document to prove his defence. Relying upon the respondent side contention that, (i) no valid reason is stated for summoning of the aforesaid documents, (ii) the relevancy of the documents with respect to the pending trial, and (iii) allowing the petition would further delay the conclusion of trial, the learned trial Court had passed the impugned order.



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5. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, submitted that there is no infirmity in the impugned order and only to protract the proceedings, the said petition has been filed and sought for dismissal of the criminal original petition.

6. Heard the learned counsel on either sides and carefully perused the materials available on record.

7. A careful reading of the petition, counter affidavit and the impugned order would reveal that, as observed by the learned trial Court, without explaining the proper reason and relevancy of the documents, which are sought to be called for, the petition has been filed. Fully agreeing with the impugned order, I do not find any demerit to the order passed by the learned trial Court. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

12.12.2025

NCC : Yes / No
Index : Yes / No
Rmk



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To

- 1.The Inspector of Police,
Sessions Court Police station,
Trichy.
- 2 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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