



Crl.O.P.(MD)No.13872 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13872 of 2025
and
Crl.M.P.(MD)No.11103 of 2025

Azeela @ Mary

... Petitioner

versus

State of Tamil Nadu
Rep. by the Inspector of Police,
Airport Police Station,
Tiruchirappalli District.

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and set aside the order dated 23.06.2025 passed in Cr.M.P.No.26356 of 2024 on the file of the learned Judicial Magistrate VI, Tiruchirapalli, Tiruchirapalli District, wherein, the petition filed under Section 91 Cr.P.C. seeking for issuance of summons to the Foreigner Registration Officer, Chennai, to produce the records pertaining to the payment of stipulated fee for visa extension and the order passed permitting her to overstay and travel abroad was dismissed.

For Petitioner : M/s.M.Shunmalar

For R1 : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the accused in C.C.No.323 of 2014 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli. She is facing trial for the offence under Sections 461, 463 IPC and Section 12(1)(a) of the Passport Act and Section 14 of the Foreigners Act. During the trial, the petitioner filed a petition under Section 91 Cr.P.C. in Cr.M.P.No.26356 of 2024 in C.C.No.323 of 2014 before the learned Judicial Magistrate No.VI, Tiruchirappalli, for summoning certain documents from the Foreigners Registration Office, Chennai. The learned Judicial Magistrate, by order dated 23.06.2025, has dismissed the said petition. Challenging the same, the petitioner has filed this Criminal Original Petition.

2. The petitioner claims that the Foreigner Registration Officer, Chennai, has passed an order extending her visa. In order to prove her case that she was allowed to overstay and to go to abroad, she sought for the documents from the Foreigner Registration Officer, Chennai. However, the trial Court has dismissed the petition holding that the documents sought to be summoned can be obtained through RTI and there is no necessity to summon the officer from Chennai to produce the so-called documents.



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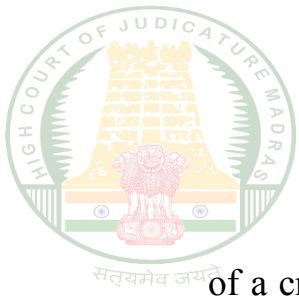
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According to her, a document can be admitted in the Court under the provisions of the Indian Evidence Act. The production of document under the RTI Act would not prove its admissibility. Therefore, she seeks for summoning documents from the Foreigners Registration Office, Chennai.

4. The learned Government Advocate (Crl. Side) submits that the prosecution case is that the petitioner is a Sri Lankan Citizen and she obtained an Indian Passport by submitting fraudulent documents. When she attempted to travel abroad using the said passport, she was arrested. He further submits that the documents sought to be summoned has nothing to do with the case. In order to delay the trial proceedings, the petitioner has filed the petition, when the case was posted for defence side evidence. Further, the petitioner has not explained as to how the documents sought to be summoned could be useful to prove the petitioner's case. Therefore, the trial Court has rightly dismissed the said petition.

5. This Court considered the rival submissions made.

6. As per Section 91 Cr.P.C., when the Court considers that production of any document is necessary or desirable for the purpose of trial



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of a criminal case, such court may issue summons for the production of the document sought for. The Court has to judicially consider whether production of the document is relevant for the purpose of trial. Further, the party, who prays for issuance of summons for production of document, has to necessarily demonstrate before the court that production of such document is material for arriving at a just decision in the case. If the party fails to establish that a particular document is necessary and desirable to be summoned, then the court shall not summon the document.

7. The case of the prosecution is that the petitioner, a Sri Lankan citizen, obtained an Indian passport by fraudulent means and, while attempting to travel abroad using the said passport, was apprehended. In such a context, the petitioner's plea that her visa had been extended and that she had been permitted to travel abroad cannot be casually accepted without proper proof. If indeed any such order of extension or permission had been granted in her favour, it would necessarily have been communicated to her in the ordinary course and she would be in possession of the same. A person who claims to have been the direct beneficiary of such an order is expected to produce her own copy and cannot seek to summon the records as a substitute for discharging her burden of proof.



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8. Moreover, the documents in question form part of the official records of the competent authorities and are easily accessible under the Right to Information Act, 2005. When an efficacious statutory remedy exists, and when the petitioner has not shown any exceptional circumstance or any refusal of disclosure by the authorities, the extraordinary power of the Court to summon documents cannot be invoked. It is not the function of the Court to collect evidence for a party, particularly where the burden lies upon the petitioner to substantiate her own defence.

9. Accordingly, the prayer to summon the documents cannot be sustained and has been rightly rejected. This Court does not find any reason to interfere with the order of the trial Court.

10. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

21.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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- To
1. The Inspector of Police,
Airport Police Station,
Tiruchirappalli District.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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