



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5911 of 2026

and

CrI.M.P.No.4362 of 2026

1. Ragupathy

S/o Manthiralingam, No.358/1069 T.H.Road, Old
Washermenpet, Chennai.

2. R.Suresh @ Suresh Krishnan

S/o Raghupathy, No.358/1069 T.H.Road, Old
Washermenpet, Chennai.

3. Jothi

W/o Raghupathy, No.358/1069 T.H.Road, Old
Washermenpet, Chennai.

Petitioner(s)

Vs

1. The State Rep By, The Inspector of Police (L&O),
H-1, Washermenpet Police Station, Chennai. Crime
NO.1055 of 2017

Respondent(s)

PRAYER

To call for the records pertaining to the impugned order dated 10.02.2026 made in CrI.MP.No.303 of 2025 in S.C.No.136 of 2018 passed by the IV Additional Sessions Court, Chennai and set-aside the same and allow this CrI.OP and pass such further or other orders.

For Petitioner(s): T.R.Sivaram

For Respondent(s): M/s. Leonard Arul Joseph Selvam
Additional PP



ORDER

The petitioners, who are A1 to A3 had filed this petition for summoning the following documents:-

(i)Diary of the police station for the period from 28.08.2017, 29.08.2017, 20.09.2017 and 30.10.2017;

(ii)Medical Memo Book, which is used in the police station, to record the information of the MLC cases from the hospital dated 28.08.2017 and 29.08.2017;

(iii)PSR for the period 28.08.2017 and 29.08.2017;
and

(iv)Pocket diary of PW9 for the period 28.08.2017 and 29.08.2017.

2.The Trial Court, by an order dated 10.02.2026, dismissed Crl.M.P.No.303 of 2025 in S.C.No.136 of 2018 which was filed for summoning the above documents. Against which the present petition.

3.The contention of the petitioners is that the accused were arrested and remanded to judicial custody on 29.08.2017 in Crime No.1055 of 2017. Further, it is also alleged that due to a property dispute between the petitioners and the victim, on 28.08.2017, the petitioners caught hold the victim and the petitioners



threatened the victim with dire consequences. On 12.11.2024, PW9 during cross examination deposed that the documents which have been mentioned above are maintained in the police station. In view of the same, the petitioners have filed the petition.

4.He relied upon a decision of this Court in ***Crl.O.P.No.28440 of 2019*** dated ***23.01.2020***, wherein this Court following the First Bench judgment in ***P.Kalaiselvam Vs. State rep. by Inspector of Police, Melapalayam Police Station, Tirunelveli District***, submitted that the petitioner is entitled to for the documents.

5.The Additional Public Prosecutor referring to the evidence of PW9, submitted that except for some questions as to where the pocket diary is maintained and where the documents are maintained in the police station, he had not put any specific question or given reason, justifying summoning of these documents, will help the petitioners in their defence. Further, citing the Trial Court order, the petitioners had not made out a case and considering the same, the Trial Court had rightly dismissed the petition.

6.The learned Additional Public Prosecutor also filed a counter statement stating that in this case, so far 10 witnesses have been examined as PW1 to



PW10. PW10 is an Investigating Officer. The defence took time for cross examination and at that stage, the present petition has been filed for summoning the documents. The case of the prosecution is that PW2 admitted in Government Hospital and PW9 recorded the statement from PW1 and based on that FIR registered. Further, PW2 sustained injuries by the attack of the accused. PW9 went to the hospital and recorded the statement of PW1. PW1 and PW2 are the eyewitnesses. The documents sought for by the petitioners are available in the police station.

7.From the materials on record, it is seen that the documents sought for by the petitioners in this petition are available in the police station. Such documents are maintained only for certain period and they will be destroyed. Subject to the availability of the documents, which ever is available, the same can be produced without delay.

8.Considering the submissions made on both sides and the facts and circumstances of the case, subject to the availability of the documents sought for by the petitioners, which are maintained by the respondent police, if it is available only, can be produced to the petitioners. In the event of non-availability, the petitioners can only have the benefit of drawing adverse inference.



9.It is made clear the respondent police, by way of memo to inform the Trial Court the available documents, non traceable, destroyed documents and the available documents alone can be produced without delay. The memo to be filed within 15 days of receipt of a copy of this order.

10.Accordingly, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

25-03-2026

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The State Rep By, The Inspector of Police

H-1, Washermenpet Police Station,
Chennai. Crime NO.1055 of 2017.

2.The IV Additional Sessions Judge,
IV Additional Sessions Court, Chennai.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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M.NIRMAL KUMAR J.

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