



Crl.O.P. Nos. 8285 & 8419 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

Crl.O.P. Nos. 8285 & 8419 of 2026

&

Crl.M.P. Nos. 5901 & 5975 of 2026

1. Sivaramakrishnan
2. Banumathi
3. Manju

..Petitioners

Vs.

State rep. by
The Inspector of Police,
Erode North Police Station,
Erode.
(Crime No. 340 of 2014).

..Respondent

Prayer: Criminal Original Petitions filed under Section 528 of BNSS to call for the records pertaining to the orders dated 16.03.2026 passed in Crl.M.P. Nos. 48 & 49 of 2026 respectively in S.C. No. 102 of 2017 on the file of learned I Additional Subordinate Judge/Additional Sessions Judge, Erode and set aside the same.



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For Petitioners	::	Mr.M. Karthik
For Respondent	::	Mr.Leonard Arul Joseph Selvam Additional Public Prosecutor assisted by Harshana T.

COMMON ORDER

The petitioners/accused are facing trial in S.C. No. 102 of 2017 for offences under Sections 417 and 306 IPC and challenging the orders dated 16.03.2026 passed in Crl.M.P. Nos. 48 & 49 of 2026 permitting the prosecution to produce and mark additional material objects and electronic evidence and to recall P.W.1, the present criminal original petitions have been filed.

2(i). The case of the prosecution is that 1st and 2nd petitioners are parents of the 3rd petitioner. The petitioners and the de facto complainant are relatives. The de facto complainant's daughter was married to one Saravanan Venkatraman, who is the brother of the 2nd petitioner. Thus, they are closely related. The 3rd petitioner and the de facto complainant's son Arunram, since deceased, are BDS graduates. There was a love affair between them for about 8 years. The 3rd petitioner, despite objections from



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her parents/petitioners 1 and 2, continued her relationship with Arunram, since deceased. Later, the de facto complainant along with his wife, on coming to know about the love affair between his son and the 3rd petitioner, had gone with his wife to the house of the petitioners to seek the hand of the 3rd petitioner for his son. However, they were insulted and sent back. This being so, suddenly, the marriage of the 3rd petitioner was arranged with another person. The de fact complainant's son, who was running a clinic in Mylapore, Chennai, got dejected and was in a state of trauma. Thereafter, he was called home, consoled and he was staying with his parents in Erode. While so, the marriage of the 3rd petitioner was scheduled to be held on 18.06.2014 and on 17.06.2014, at about 11.15p.m., the de facto complainant's son committed suicide by hanging.

2(ii). Thereafter, a complaint was lodged and a case was registered. Now, after investigation, charge sheet filed listing 19 witnesses. In this case, so far, 14 witnesses have been examined. At this stage, the prosecution filed Crl. M.P. No. 48 of 2026 under Section 242 (2) Cr.P.C./265(2) of BNSS seeking permission to produce and mark additional



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material objects and electronic evidence, which were in possession of the de facto complainant/P.W.1, the father of the deceased, namely, one laptop, one pen drive, a letter written by the A3/3rd petitioner to the deceased, a Thank You card sent by A3/3rd petitioner to the deceased, photograph of the 3rd petitioner and the deceased drawn by Van Gogh's colour work room, Chennai, on 31.05.2011, Cover of Van Gogh's colour work room, Chennai and call detail records for the period 24.05.2014 to 07.06.2014 and another petition in Crl.M.P. No. 49 of 2026 under Section 311 Cr.P.C./348 of BNSS to recall P.W.1 and permit him to produce those electronic records and documents. The said petitions came to be allowed against which the present criminal original petitions have been filed.

3(i). The contention of the learned counsel for the petitioners is that the petitions filed before the Trial Court are not maintainable as they were not filed by the Investigating Officer or with his knowledge. The Additional Public Prosecutor has no locus standi to represent the de facto complainant though the de facto complainant can help the Additional Public Prosecutor in conducting the case by producing necessary documents



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through the investigating officer. It is only the prosecution that is entitled to produce additional documents that were not included in the charge sheet or available after the charge sheet was filed. The petitions before the Trial Court were filed without making copies of documents available to the accused to verify the veracity. Further, the occurrence had taken place in the year 2014; P.W.1 was examined on more than one occasion and during the period of his examination, he had not disclosed about these facts. But, during the course of his cross-examination, he stated that he is in possession of certain documents and other evidence; as the investigation was completed and since the cases were pending before this Court and the Apex Court, he could not produce the same; that he was aware of that fact that the said documents could be produced before the Trial Court even at a later point of time and that he is ready to submit the same at any time. The learned counsel would submit that in this case, FIR registered on 18.06.2014, charge sheet filed on 07.01.2016 after 2 ½ years and the de facto complainant states that he was able to get the documents only a few months later, i.e., after the charge sheet was filed, which is totally false.



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3(ii) According to the learned counsel, the delay is deliberate

and the de facto complainant withheld the evidence till the conclusion of examination of 14 witnesses and to fill up the lacuna in the prosecution case, sought to produce and mark the additional material objects and electronic evidence. He further submitted that in the judgment rendered in ***State of Orissa V. Debendra Nath Padhi ((2005) 1 SCC 568)*** it has been held that ,”*Section 242(2) Cr.P.C. should not be used to fill up the lacuna in the prosecution case*”. The learned counsel further contended that the prosecution cannot be permitted to conduct a roving and fishing enquiry by introducing evidence in piecemeal and that the procedure adopted is contrary to the established principles of criminal jurisprudence. The learned counsel for the petitioners also contended that though there is no specific prohibition to produce documents after the filing of charge sheet, explanation has to be given for what reason, the electronic evidence and documents sought to be filed could not be produced before the filing of the charge sheet. In this case, no such explanation has been given. Further, the Trial Judge ought to have noted that the reason cited by the prosecution that it was an inadvertent omission and delayed knowledge is patently false. Besides, the electronic



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evidence now attempted to be produced is not accompanied by Section 65B certificate. Hence, the impugned orders are liable to be set aside.

4. Learned Additional Public Prosecutor for the 1st respondent submitted that there are totally three accused. A1 and A2 are parents of A3. The prosecution case is that A3 had developed intimacy with the deceased; subsequently due to inducement of A1 and A2, A3 refused to marry him; thereafter, A1 to A3 colluded with each other and made defamatory statements against the deceased Arunram in front of relatives and others and spread wrong messages about him thereby forcing, provoking and instigating the victim to commit suicide. Due to continuous humiliation and mental agony caused by the conduct of the accused, the deceased became depressed and ultimately committed suicide thereby rendering the accused guilty of abetment. A suicide note was recovered during investigation wherein the deceased had referred to the conduct of the accused as the reason for him taking the extreme step. In order to corroborate the contents of the suicide note and to establish other attendant circumstances leading to the suicide, one laptop, one pen drive, a letter



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written by A3 to the deceased, a Thank You card sent by A3 to the deceased, Photo of A3 and the deceased drawn by Van Gogh's colour work room, Chennai on 31.05.2011, Cover of Van Gough's colour work room, Chennai, Call Detail Records (CDR) of deceased Arunram from 24.05.2014 to 07.06.2014 were sought to be produced. He further submitted that P.W.1 in his evidence had deposed about the relationship between the 3rd petitioner and the deceased, the breakup of love affair at the instance of petitioners 1 and 2 and thereafter, the commission of suicide by his son and also produced the suicide note after the same was found in the cupboard of the room of the deceased, which had been marked as Ex.P2. Further, the admitted writings of the deceased were also produced and marked as Exs. P3 to P5. During the cross-examination of P.W.1, it was suggested that no document was produced to show that there was telephonic conversation between A3 and the deceased for which P.W.1 has given an explanation that the deceased, prior to suicide, was staying alone in Chennai; it took some time for him to reconcile his son's loss; thereafter, he had gone to Chennai and in Chennai, from the victim's room, electronic evidence along with some other documents were found and they are sought to be produced now.



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The Trial Court finding that the electronic evidence would, in a case under Section 306 IPC, which needs to be proved by way of circumstantial evidence, establish an important link to confirm the abetment of suicide, allowed the petitions. Further, the trial Court observed that the electronic records produced in evidence in the case ought to be sent for forensic examination and after getting forensic report, a copy of the electronic evidence can be handed over to the petitioners along with the report and petitioners can be allowed to exercise their right to cross-examine the witnesses and thereafter, the veracity of the electronic evidence can be considered.

5. Considered the submissions and perused the materials on record.

6. The relationship between the petitioners and the de facto complainant's family is not in dispute. They are closely related and it is seen that the 3rd petitioner and the deceased, who is the son of the de facto complainant, had a love affair for more than 8 years. However, the marriage



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proposal was not agreeable to the family of the petitioners for some reason due to which the deceased was heart broken. The deceased, who was running a clinic in Chennai as a Dentist had come back to his parents' house at Erode on 15.06.2014. The marriage of the 3rd petitioner was also fixed with another person and it was scheduled to be held on 18.06.2014. Under such circumstances, on 17.06.2014, the de facto complainant's son committed suicide by hanging.

7. Prior to his suicide, the deceased had left a suicide note marked as Ex.P2. The parents of the deceased had later come to Chennai and from the victim's room, collected one laptop, one pen drive, a letter written by A3 to the deceased, a Thank You card sent by A3 to the deceased, Photo of A3 and the deceased drawn by Van Gogh's colour work room, Chennai on 31.05.2011, Cover of Van Gough's colour work room, Chennai. It was also found that there had been conversations between the deceased and A3/3rd petitioner herein, which would be a link to abetment of suicide and the CDR of the deceased from 24.05.2014 to 07.06.2014 had been collected. These electronic evidence now produced before the Trial Court and the same, if subjected to forensic examination, would prove the fact



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whether the electronic evidence was available on the date it was recorded or it was a subsequent inclusion. After the forensic examination and consequential report, the veracity and genuineness of the electronic evidence can be confirmed. Moreover, it is an admitted fact that the best evidence has to be produced during trial. The delay alone cannot be a reason to discard the production of electronic evidence. The broad principles laid down by the Apex Court in the case of ***Sameer Sandhir V. Central Bureau of Investigation*** reported in ***2025 SCC OnLine SC 1206*** in that, “Normally, the documents gathered during investigation upon which the prosecution wants to rely are required to be forwarded to the Magistrate, but if there is omission, it would not mean that the remaining documents cannot be produced subsequently”. In this case, it is the electronic device and evidence.

8. For the aforesaid reasons, this Court finds no reason to interfere with the orders passed by the Trial Court. The Trial Court is directed to collect one laptop, one pen drive, a letter written by A3 to the deceased, a Thank You card sent by A3 to the deceased, Photograph of A3



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and the deceased drawn by Van Gogh's colour work room, Chennai on 31.05.2011, Cover of Van Gough's colour work room, Chennai, Call Detail Records (CDR) of deceased Arunram from 24.05.2014 to 07.06.2014 from the prosecution, forward them for forensic examination and thereafter, furnish forensic report to the petitioners. The petitioners can then cross-examine P.W.1 and other witnesses in this regard and the forensic expert.

9. With the above directions, the criminal original petitions are dismissed. However, it is made clear that the observations made by this Court in this order are only for the purpose of disposal of these petitions and the petitioners' right of defence to be independently decided based on the evidence and materials available before the Trial Court. Connected miscellaneous petitions are closed.

08.04.2026

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Neutral Citation: Yes/No



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- To
1. The I Additional Subordinate Judge,
Erode.
 2. The Inspector of Police,
Erode North Police Station,
Erode.
 3. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR,J.

nv

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