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CRL OP No. 10148 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 10148 of 2026
and CRL.MP.No.7231 of 2026**

Elumalai
S/o.Munusamy,
Pillayar Koil Street,
Lakshmipuram Village,
Nemili Taluk,
Ranipet District.

..Petitioner(s)

Vs

Inspector of Police,
Banavaram Police station,
Ranipet District.
Cr.No.49/2019.

..Respondent(s)

To call for the records in Crl.MP.No.1681 of 2025 in connection with Spl.S.C.No.16 of 2024 on the file of learned Principal Sessions Judge, Ranipet District and set aside the same for the purpose of a fair trial, equity and natural justice and pass such order or other orders as this Honble court.

For Petitioner(s): S.Sasikumar

For Respondent(s): M/S. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PP

ORDER

This Criminal Original Petition has been filed to call for the records in Crl.MP.No.1681 of 2025 in Spl.S.C.No.16 of 2024 on the file of learned Principal Sessions Judge, Ranipet District and to set aside the same.



2. The petitioner is an accused facing trial in Spl.S.C.No.16 of 2024 on the file of the learned Principal Sessions Judge, Ranipet District. The Trial Court, by order dated 31.03.2026 in Crl.MP.No.1681 of 2025 permitted the prosecution to recall PW1 and mark the birth certificate of the victim girl. Aggrieved by the same, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the birth certificate was not produced neither during investigation nor during trial. At the final end of the trial, when the case was posted for arguments, finding that the prosecution case has been exposed, to fill up the lacunae, the said document has been attempted to be produced. There is already a report of Radiologist and it is in favour of the petitioner. Hence, permitting the prosecution to fill up the lacunae is not proper.

4. The learned Additional Public Prosecutor submitted that the prosecution had already completed its evidence. PW1, the father of the victim, had deposed about the age of the victim. Since the victim was a School student, PW5, the Headmaster of the School, had produced the School Admission Register extract indicating the date of birth of the victim, but the same was strongly objected by the petitioner stating that to prove the age, birth certificate only has to be produced. Subsequently, the birth certificate of the victim had been collected and produced. As per Section 94 of the Juvenile Justice Act, the



birth certificate has primacy over the other age proof documents. Therefore, the Trial Court rightly permitted recalling of PW1 and marking of birth certificate.

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5. Considering the above submissions made on either side, this Court finds that the birth certificate has primacy over the other age proof documents as per law. The production of such a document cannot be construed as filling up of lacunae in the prosecution case. Hence, this Court finds no reason to entertain this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

22-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To

1. The Principal Sessions Judge, Ranipet District
2. Inspector of Police,
Banavaram Police station,
Ranipet District.
Cr.No.49/2019.



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M.NIRMAL KUMAR, J.

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