



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15111 of 2026

AND

CRL MP NO. 9710 OF 2026

1. Sivaramakrishnan
2. Bhanumathi
3. Manju

Petitioners

Vs

The State Rep. by
Inspector of Police,
Erode North Police Station,
Crime No.340/2014.

Respondent

PRAYER

This criminal original petition is preferred under Section 528 of BNSS seeking to set aside the order dated 09-04-2026 in CrI MP No. 62 of 2026 in SC No.102 of 2017 on the file of I Additional Sessions Judge, Erode, and pass such orders that this Honourable Court may deem fit and proper under the facts and circumstances of the case and thus render justice.

For Petitioners: Mr.K.Sudhakar

For Respondent: Mr.A.Amarnath,
Counsel for Government of
Tamil Nadu (Criminal side)

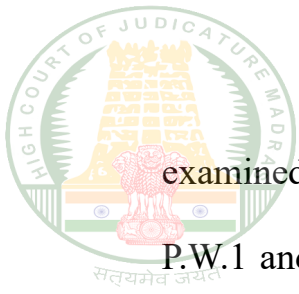


ORDER

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The petitioners accused who are facing trial in S.C.No.102 of 2017 on the file of the I Additional Sessions Court, Erode, have filed a petition in C.M.P.No.62 of 2026 under section 306 of IPC seeking to permit the petitioners to inspect and peruse M.O.2 to M.O.3 along with their counsel in the presence of the court officer. The trial court by an order dated 09.04.2026 rejected the said petition, against which the present criminal original petition is filed.

2.The learned counsel for the petitioners submitted that M.O.2 to M.O.5 were marked during court boycott and when the advocates were not attending the court. The learned counsel further submitted that thereafter, the petitioners recalled some witnesses, cross examined in detail and also put specific questions with regard to M.O.2 to M.O.5. The learned counsel submitted that for the purpose of clarity and for better appreciation, the petitioners need to peruse M.O.2 to M.O.3 which are available in the Court. M.O.2 is the suicide note, M.O.3 is the SPM note, M.O.4 is the Sengunther Engineering College 2008 year diary and M.O.5 is the spiral binding SRM note. These are all materials which have been projected against the petitioners. It is further submitted by the learned counsel that those documents are necessary for the petitioners to peruse and also required for the purpose of cross examination. The trial court rejected the same by stating that already P.W.1 to P.W.15 were

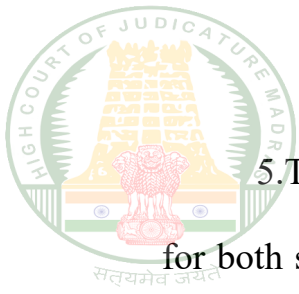


examined and further the deceased in this case is none other than the son of P.W.1 and further an apprehension was raised by the learned Additional Public

Prosecutor that the material objects were sensitive to this case and they may be manipulated which would affect the entire case.

3.The learned counsel further submitted that the petitioners earlier filed copy application on 26.03.2025 seeking for certified copies of Exs.P.1 to P.9 and M.O.2 to M.O.5. The said copy application for M.O.2 to M.O.5 was rejected and returned. Therefore, when the petitioners filed a petition for perusal of those documents, the petitioners had specifically made endorsement that the petitioners accused to inspect M.O.2 to M.O.5 along with their counsel in the presence of the court officer. The learned counsel submitted that in such circumstances, the rejection by the trial court is not sustainable which is also in violation of petitioners' right to have a free and fair trial.

4.The learned Government Advocate (Criminal side) submitted that in this case, the investigation has been completed and the trial is almost at the final stage. P.W.1 to P.W.15 were examined except the investigating officer. The learned Government Advocate has fairly submitted that the petitioners are only seeking for perusal of M.O.2 to M.O.5 and that too along with their counsel in the presence of the court officer which is the normal procedure and it can be permitted.



5. This Court has considered the submissions made by the learned counsel for both sides and perused the materials available. It is seen that the petitioners wanted to peruse the documents which were projected against them. The petitioners are only seeking permission to peruse those documents and the same can be permitted. Further the petitioners wanted to peruse the documents in the presence of the court officer and the same can be permitted. Further, if the trial court feels that the documents must be safeguarded, permission can be granted to peruse the documents in the presence of the learned Presiding Officer. The petitioners must be given a proper opportunity to defend their case. In this case, the petitioners only wanted to peruse M.O.2 to M.O.5 which are suicide letter, SPM note, Sengunther Engineering college 2008 year diary and spiral binding SRM note. In all fairness, the trial court ought to have given the relevant portion of those writings and the copy of the suicide note to the petitioners. It is for the trial court to answer as to how these documents had been marked as material objects. The petitioners have only sought a limited prayer of seeking permission to peruse those documents which they are entitled to. The rejection by the trial court on mere apprehension that manipulation would take place, is not proper and it is against the basic tenets of criminal law.

6. In the light of the above, the order passed by the trial court in CMP No.62 of 2026 in S.C.No.102 of 2017 dated 09.04.2026 is set aside. The trial court, namely the I Additional Sessions Judge, Erode is directed to permit the



petitioners and their counsel to peruse M.O.2 to M.O.5 in the presence of the Court officer and to take note of the same for effectively defending their case. If the trial court feels that the documents must be safeguarded and to ensure that there will be no tampering of the documents, by way of abundant caution, the trial court can permit the documents to be perused by the petitioners and their counsel in the presence of the Presiding Officer. It is made clear that the petitioners shall be permitted to peruse M.O.2 to M.O.5 to defend their cases effectively. This criminal original petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

17-06-2026

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

1. The I Additional Sessions Judge,
Erode.

2. Inspector of Police,
Erode North Police Station,
Crime No.340/2014.

3. The Government Advocate
(Criminal side)
Madras High Court, Chennai.



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M.NIRMAL KUMAR J.

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