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CRL OP No. 15980 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15980 of 2026

AND

CRL MP NO. 10468 OF 2026

Rathidevi

..Petitioner(s)

Vs

1. The State Rep.by,
The Inspector of Police,
E1, Ponneri Police Station,
Tiruvallur District - 600 104.

2. Dinesh
3. Suresh

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records in CC.No.10 of 2019 on the file of the learned Judicial Magistrate No.I, Ponneri, in so far as it relates to the order dated 29.10.2025 passed in CrI.M.P.No.58 of 2025 and set aside the same and consequentially direct the learned Judicial Magistrate No.I, Ponneri to receive and mark in evidence the said documents prosecution seeks to rely on as enumerated in Table I above and to proceed with the trial in CC.No.10 of 2019 in accordance with law.

For Petitioner(s):

Mr.S.Kamalakannan
for M/s.Jayasudha

For Respondent(s):

Mr.A.Amarnath
Counsel for Government of Tamil Nadu
(Criminal Side) for R1



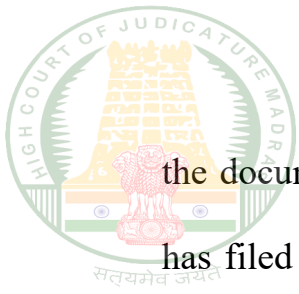
ORDER

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Challenging the order passed by the learned Judicial Magistrate No.1, Ponneri, in Crl.M.P.No.58 of 2025 in C.C.No.10 of 2019, dated 29.10.2025, dismissing the petition filed by the prosecution seeking permission to admit certain documents, the *de facto* complainant has filed the present Criminal Original Petition.

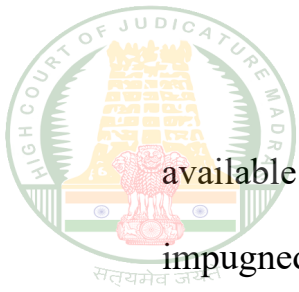
2.On the basis of the complaint lodged by the petitioner/*de facto* complainant, a case in Crime No.359 of 2018 came to be registered for the offences under Section 294(b), 420, 406, 506(1) r/w. Section 34 IPC. After completion of investigation, a charge sheet was filed against the accused/respondents 2 and 3 for the offences under Sections 294(b), 406, 420 and 506(1) IPC and the same was taken on file in C.C.No.10 of 2019 on the file of the Judicial Magistrate Court No.1, Ponneri.

3.During trial, the petitioner was examined as P.W.1. At that time, it was found that the documents which were collected during investigation, viz., (i) Hand bill issued by the accused to the *de facto* complainant's husband (7 Nos.) (ii) Accused chit funds bill bearing No.1764 (iii) Accused chit funds bill bearing No.1302, were not filed along with the charge sheet, though their originals were very much available in the CD file and inadvertently, only the photocopies of



the documents were filed along with the charge sheet. Hence, the prosecution has filed an application in CrI.M.P.No.58 of 2025 seeking permission to bring on record the originals of those nine documents, which are available in the CD file, whose photocopies form part of the charge sheet, and mark them as Exhibits through P.W.1. Out of them, 7 documents are handwritten bills and 2 documents are printed ones with registration numbers. However, the trial Court, by the impugned order dated 29.10.2025, has dismissed the petition. Challenging the same, the *de facto* complainant has filed the present Criminal Original Petition.

4.Learned counsel for the petitioner submitted that the trial Court's finding that these documents have not been unearthed on further investigation is on a wrong premise. Though the petition has been filed under Sections 242(2), 173(5) and 173(8) Cr.P.C., which might be a wrong provision, in this case, it is not a case of further investigation. The documents sought to be marked were collected during investigation and form part of the CD file and copies have also been served on the respondents/accused, but inadvertently, the originals have not been filed along with the charge sheet. Hence, the petition has been filed. He further submitted that the amounts found in the two printed documents, which the trial Court admits but not accepts, find place in the handwritten bills, confirming that they are contemporary documents and not created documents. These documents are not newly introduced documents, but were already



available in the CD file. Hence, the learned counsel prays to set aside the impugned order and permit the prosecution to mark those documents as Exhibits.

5.Learned Government Counsel (Criminal Side) appearing for the 1st respondent Police confirms the petitioner's contentions and submitted that the order passed by the trial Court is not proper. He further submitted that, since the *de facto* complainant has filed this petition, the prosecution has not filed a separate petition to set aside the impugned order of the trial Court.

6.Considering the submissions of the learned counsel on either side and on perusal of the materials available on record, it is seen that the contention of the petitioner as well as the prosecution is that the originals of the documents now proposed to be produced before the trial Court were already available in the CD file and copies of those documents have also been furnished to the accused under Section 207 Cr.P.C.; however, inadvertently, the originals have not been filed along with the charge sheet. In such circumstances, it cannot be stated that those documents were unearthed during further investigation. The trial Court can very well look into the CD file and ascertain the availability of the originals and also the mode of collection of documents and can allow the originals of the documents to be marked as Exhibits, if they form part of Section 207 Cr.P.C. Even otherwise, if they were found to be collected, copies can be



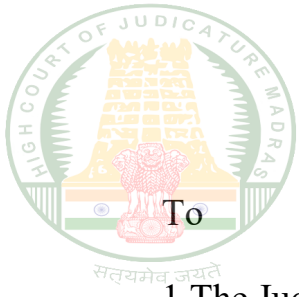
given to the accused and thereafter, the documents can be marked. Sometimes, mistakes are bound to occur with regard to production or marking of documents. However, it can be rectified, which is only beneficial for the Court to arrive at a just decision. In any event, an opportunity would be given to the accused to cross-examine with regard to admissibility and veracity of those documents.

7. In view of the same, this Court finds that the impugned order of the trial Court is not sustainable and is accordingly, set aside. As a sequel, this Criminal Original Petition is allowed. The Prosecutor is directed to re-submit the documents before the trial Court and trial Court shall receive the documents, mark the same subject to admissibility and veracity, of course, shall give an opportunity to the accused to raise objections, if any. Consequently, connected miscellaneous petition is closed.

24-06-2026

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

MKN



1.The Judicial Magistrate No.1,
Ponneri.

2.The Inspector of Police,
E1, Ponneri Police Station,
Tiruvallur District - 600 104.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

MKN

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