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Crl.R.C. No. 217 of 2026
&
Crl.M.P. Nos. 1487 & 1488 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. No. 217 of 2026

&

Crl.M.P. Nos. 1487 & 1488 of 2026

M.Prakash,
S/o. Mani,
S-2, No.16, Swathi Manor,
Logo Scheme, 1st Street,
Jawahar Nagar, Chennai – 82.

..Petitioner

Vs.

State by
Inspector of Police,
Central Crime Branch,
EDF-II, Team III,
Vepery, Chennai -7.
(Crime No. 31 of 2019)

..Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS to set aside the order dated 17.11.2025 in Objection Memo dated 17.11.2025 in C.C. No. 9751 of 2021 on the file of the learned Special Magistrate for Exclusive trial of CCB CBCID cases, Egmore and hold marking of Exs.P3 to P7 documents as not admissible in evidence.



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For Petitioner :: Mr.S.R. Rajagopal
Senior Counsel for
Ms. S. Shanmitha

For Respondent :: Mr.R. Vinothraja,
Govt. Advocate (Crl.Side)

ORDER

The revision challenges the order dated 17.11.2025 passed in Objection Memo in C.C. No. 9751 of 2021 by the learned Magistrate by which the learned Magistrate had rejected the objection raised by the petitioner to marking of 5 documents by the prosecution which were not part of the documents filed along with the final report.

2. The petitioner is facing prosecution for the offences under Sections 406, 420, 465, 468 and 471 IPC. During the course of trial, when P.W.8 was examined, the prosecution had introduced 3 documents and sought to mark them as Exs.P5 to P7. The petitioner, through his counsel, objected to the same on the ground that those documents were not part of the documents filed in support of the charge sheet and that copies of the same were not furnished to him.



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3. The learned Magistrate, by the order under challenge, rejected the said objection stating that the Court had directed the marking of documents and the validity, genuineness and the relevancy of the same can be questioned during cross-examination and the Court shall ultimately decide the relevancy of the documents at the time of delivering judgment.

4. Mr.S.R. Rajagopal, learned Senior Counsel appearing on behalf of the petitioner would submit that this procedure is unknown to law; that documents which were not part of the final report were suddenly introduced and that the petitioner was taken by surprise; that in any event, the learned Magistrate ought to have decided the question of admissibility of those documents, at the end of the deposition of the witness instead of stating that it can be adjudicated at the time of delivering final judgment. Learned Senior Counsel would further submit that two other documents, namely, Exs.P3 and P4 were marked through other witnesses and those were also permitted by the learned Magistrate, which is erroneous.



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5. This Court is in agreement with the contention of the learned Senior Counsel to the extent that the defence cannot be taken by surprise. The prosecution ought to have filed an application seeking permission to mark the documents in question and ought to have furnished copies of the same to the petitioner/defence. However, it is seen that a few other documents were also marked earlier through other witnesses. It is also to be noted, as could be seen from the impugned order, that the petitioner had not challenged the marking of two other documents, namely, Exs.P3 and P4, through other witnesses. Hence, this Court finds no infirmity in the impugned order. Further, the documents Exs.P5 to P7 have already been marked. Hence, this Court is of the view that the interest of justice would be met, if the following directions are given:

- (i) The prosecution shall forthwith furnish the copy of the said documents to the petitioner, if not already furnished;
- (ii) The petitioner shall be offered sufficient opportunity to cross-examine the witnesses on the documents;



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(iii) It is needless to say that if any of the document is otherwise inadmissible and if any objection is raised, the learned Magistrate may consider the same in accordance with law.

(iv) If the prosecution intends to mark any other document (which is not part of Section 173 Cr.P.C. report) in future, it is needless to say that they shall seek permission from the learned Magistrate to mark the document and furnish a copy of the same to the petitioner before marking the same.

6. With the above directions, the criminal revision petition stands disposed of. Connected miscellaneous petitions are closed.

02.02.2026

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To

1. The Special Magistrate for Exclusive trial of CCB CBCID cases, Egmore.

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SUNDER MOHAN,J.

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2. Inspector of Police,
Central Crime Branch,
EDF-II, Team III,
Vepery, Chennai -7.
3. The Public Prosecutor,
High Court, Madras.

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