



CRL OP(MD). No.3836 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3836 of 2026
and
Crl M.P(MD)No.4124 of 2026

S.Girinivasaprasad

... Petitioner

Vs

The State represented by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.2190 of 2011)

... Respondent

PRAYER :-

To set aside the order passed in M.P.No. 12 of 2026 in S.C.No. 203 of 2022 dated 12.02.2026 on the file of the Assistant Sessions Court, Valliyoor and direct to call for the documents.

For Petitioner : Mr.SC.Herold Singh

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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CRL OP(MD). No.3836 of 2026

ORDER

This Criminal Original Petition is filed to set aside the order passed in M.P.No. 12 of 2026 in S.C.No. 203 of 2022 dated 12.02.2026 on the file of the Assistant Sessions Court, Valliyoor and direct to call for the documents.

2. The learned counsel for the petitioner submitted that the accused is a practicing lawyer in District court at Nagarkoil. The petitioner had filed a petition in MP No.12 of 2026 under Section 91 of Cr.PC, seeking to call for the documents relating to Crime No.827 of 2011 on the file of the Suchindram Police Station, more particularly the investigation report, final report, 161(3) Cr.P.C., statement and the CD file. from the Inspector of Police, Suchindram police station. However, the learned trial Court had dismissed the same without any justification. Hence challenging the same, this Criminal Original Petition is filed.

3. The learned Additional Public Prosecutor submitted that this is the second application filed by the petitioner for the same reason under



CRL OP(MD). No.3836 of 2026

Section 91 of Cr.P.C. Earlier the petitioner had filed a Crl.MP.No.661 of 2022 in the pending trial. However, the same was dismissed on 7/3/2024. Challenging the same, he also filed Crl.O.P(MD)No.12714 of 2024 before this Court, which was also dismissed by this Court by order dated 5/8/2024. By suppressing all those facts, he had filed a second application before the learned trial Court by filing a petition to call for all the documents which were already furnished to him by the learned Judicial Magistrate, Valliyur and he is in possession of those documents and further observing that all the documents which were sought for by the petitioner was already furnished to him on 23/12/2022 in connection with the CC.No. 9 of 2020. Therefore there is no necessity in order to summon those documents for the reason that the documents are already possessed by the petitioner, the same was dismissed.

4. Heard either sides and carefully produce the materials available on record.

5. It is clear that already all the records including Investigation report, final Report, 161(3) statement of witnesses in Cr.No.827 of 2011



CRL OP(MD). No.3836 of 2026

is already in possession of the petitioner as furnished by the learned Judicial Magistrate, Valliyoor. However, as far as the requisition of CD file from the Inspector of Police, Suchindram police station is concerned, as per Section 172(3) of Cr.P.C., neither the accused nor his agent shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to. But there is no bar for the investigation officer concerned to refer the same to refresh his memory. Thus as far as the request of the petitioner to give a copy of CD file is concerned, there is a clear bar under Section 172 (3) of Cr.PC which will disentitle the accused or his agents from requiring such documents which are particularly utilized by the investigation agency for reference or to refresh the memory at the time of trial. Hence the said request is the rightly negatived by the learned trial Court. Therefore, I do not find any infirmity in the order passed by the learned Assistant Sessions Judge, Valliyoor, in M.P.No. 12 of 2026 in S.C.No. 203 of 2022 dated 12.02.2026.



CRL OP(MD). No.3836 of 2026

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6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition stands closed.

23.02.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

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To

1..The Assistant Sessions Court,
Valliyoor.

2.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL OP(MD). No.3836 of 2026

L. VICTORIA GOWRI,J

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ORDER
IN
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