

Crl.R.C.(MD) No.1481 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2025

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CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

**Crl.R.C.(MD)No.1481 of 2025
and
Crl.M.P.(MD)Nos.18684 & 18685 of 2025**

R.Ganesh

: Petitioner

Vs.

**State rep.by ADSP, CBI, BS & FC,
Bangalore.**

: Respondent

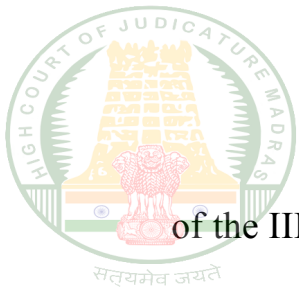
Prayer : This Criminal Revision has been filed under Section 438 r/w 442 of BNSS, to call for the records relating to the order, dated 13.10.2025 passed in Crl.M.P.No.3481 of 2025 in Crl.A.No.134 of 2019 on the file of the III Additional District Judge, Tiruchirappalli and set aside the same.

**For Petitioner : Mr.K.P.S.Palanivelrajan,
Senior Counsel,
for Mr.A.Sankararamasubramanian.**

**For Respondent : Mr.C.Muthusaravanan,
Special Public Prosecutor for CBI cases.**

ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No.3481 of 2025 in Crl.A.No.134 of 2019, dated 13.10.2025 on the file



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of the III Additional District Judge, Tiruchirappalli, dismissing the petition filed under Section 294 of Cr.P.C.

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2. It is not in dispute that the trial Court passed the judgment convicting the petitioner, who is the third accused, for the offences under Sections 420, 467, 471 r/w 120(b) IPC and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment for each offences. Challenging the impugned judgment of conviction, the third accused preferred an appeal in Crl.A.No.134 of 2019 and is pending on the file of the learned District Judge, Tiruchirappalli.

3. Pending appeal, the petitioner has earlier filed a petition in Crl.M.P. No.3 of 2021 invoking Section 391 of Cr.P.C., for reception of additional evidence and the learned District Judge, vide order, dated 11.08.2022, dismissed the same. Aggrieved by the order of dismissal, the petitioner preferred original petition in Crl.O.P(MD)No.16468 of 2023 and the learned Judge of this Court vide order, dated 12.09.2023, dismissed the petition.

4. It is pertinent to note that the documents sought to be relied on by the petitioner were gathered and collected by the prosecution and produced along



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with the charge sheet. Though the prosecution has not marked the said documents in the trial, it is not known why the petitioner, now sought to rely on the said documents, has not taken any steps to exhibit the documents. Moreover, in the earlier application under Section 319 Cr.P.C., the present plea was not canvassed. When the main appeal was taken up for final hearing, the above application under Section 294 Cr.P.C., came to be filed.

5. Section 294 Cr.P.C contemplates that where any document is filed before any Court by the prosecution or the accused, the particulars of every such document shall be included in a list and the parties are to be directed to say whether they are admitting or denying the genuineness of the documents.

6. Considering the nature and scope of the above provision, I am at loss to understand as to how the petition seeking permission to mark the documents is maintainable under Section 294 of Cr.P.C. The learned Senior Counsel appearing for the petitioner now relied on Section 296 of Cr.P.C., and cited the decision of Hon'ble Supreme Court in the case of ***State of Punjab Vs. Naib Din*** reported in ***(2001) 8 SCC 578.***, wherein the Hon'ble Apex Court has held that Section 296 of Cr.P.C., contemplates that the evidence of any person whose evidence is of a formal character, the Court can direct him to file an affidavit and the relevant passage is extracted hereunder :



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6. *We feel that the view adopted by the learned Single judge was too stilted for approval. At any rate, acquittal of the accused even without affording an opportunity to the prosecution to make up the lapse (if it was a lapse) only resulted in miscarriage of justice. Presently we may consider whether it is necessary for the prosecution, as an indispensable course to examine the police official who played only a formal role during investigation. In this context Section 296 of the Code can be read:*

(1) The evidence of any person whose evidence is of a formal character may be given by affidavit and may, subject to all just exceptions, be read in evidence in any inquiry, trial or other proceeding under this Code.

(2) The Court may, if it thinks fit, and shall, on the application of the prosecution or the accused, summon and examine any such person as to the facts contained in his affidavits.

7. Hence, the above decision is not applicable to the case on hand. The learned Special Public Prosecutor appearing for the State would submit that the petition came to be filed only to protract the disposal of the Criminal appeal.



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Considering the above, this Court concludes that the Criminal Revision petition is devoid of merits and the same is liable to be dismissed.

8. In the result, the Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petitions are closed.

28.11.2025

das

To:-

- 1.The III Additional District Judge, Tiruchirappalli.
- 2.State rep.by ADSP, CBI, BS & FC,
Bangalore.
- 3.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
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and
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