

17 Ct. Cases 1178/2022
SHARIF AHMED Vs. LAEEQ AHMED
(Jama Masjid)

14.08.2026

Present: Sh. Salim Ahmad Ld. Counsel for the Complainant.
Complainant in person.
Sh. Manish Kumar Ld. Counsel for the proposed
accused through VC.

It is submitted by Ld. Counsel for the proposed accused that accused has not been summoned in the present matter, therefore, at this stage, he does not have any *locus* in the present matter.

Arguments on application u/s 91 CrPC/ 94 BNSS filed on behalf of Complainant heard.

Record perused.

Vide the present application, the Complainant has prayed that the police officials be directed to collect relinquishment deed dated 07.08.2010 from the possession of proposed accused. For deciding the present application, it is important to revisit section 91 CrPC which reads as under:-

“91. Summons to produce document or other thing.

(1) Whenever any Court or any officer-in-charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.”

Section 91 CrPC permits the production of any document or thing at the instance of the Court or a police officer. As per the judgment of the Hon’ble High Court in **Tofazzul Islam**

Borbhuyan Vs. Matiur Rahman Mazumdar(2003) 1 Glt 102, it is held that section 91 Cr.PC does not apply to an accused person as the term “any person” appearing in section 91 Cr.PC does not include within its ambit an accused person. As per the averments made in the application, the document/ Original Relinquishment Deed is in possession of the proposed accused, therefore, compelling production of the same from the accused person is not maintainable in view of the above judgment. Hence, the present application stands dismissed and disposed of accordingly.

Re-list the matter for arguments on application u/s 156(3) CrPC on **30.11.2026**.

(Ms. Rashi Raheja)
JMFC-13, Central/THC
Delhi/14.08.2026