

IN THE COURT OF FAST TRACK SPECIAL JUDGE, KOYILANDY

Present:- Sri. NOUSHADALI.K., Special Judge

Dated this the 12th day of December, 2025

CMP No.558/2025 in SC 741/2024

Cr.No.251/2024 of Payyoli Police Station

Between:-

Ajil lal, Aged 22years, S/o. Pramod,
Neeliyedath House, Pilathottathil
Cherandathoor Post
(Represented by Adv. K M Ramdas)

And:-

State, by Payyoli Police Station,
(Represented by Spl Public Prosecutor, Koyilandy.

O R D E R

1. The accused in S.C. No. 741 of 2024 has filed the present petition to summon the learned Magistrate who recorded the statement of PW1 under Section 164 of the Code of Criminal Procedure, for the purpose of proving the alleged contradictions in the said statement of PW1, the survivor.
2. A copy of the petition was served on the learned Special Public Prosecutor, who has filed a counter-statement opposing the petition.
3. Heard both sides and perused the records.
4. The learned defence counsel contended that the examination of the Magistrate is essential to prove the contradiction marked, subject to proof, as Ext. D1. Apart

from the said contention, no other reason was advanced for summoning the learned Magistrate. The question that, therefore, arises for consideration is whether such examination is imperative for the stated purpose. The answer, in my view, is in the negative.

5. The statement recorded under Section 164 Cr. P.C. by the learned Magistrate is a public document. (**See *Saritha S. Nair v. Union of India, 2022 KHC 527***). Further, in *Murugesan Swamy v. State and Another, 2017 KHC 5630*, a Division Bench of the Hon'ble Madras High Court has categorically held that the examination of the Magistrate is not required for the purpose of proving contradictions in a statement recorded under Section 164 Cr. P.C.
6. In view of the settled legal position and as no valid or compelling reason has been shown to justify the examination of the Magistrate, this Court is of the considered opinion that the petition is devoid of merit.
7. Resultantly, this petition is dismissed.

(Dictated to the C.A., typed by her, corrected and pronounced by me in open court, on this the 12th day of December, 2025).

NOUSHADALI.K.,
SPECIAL JUDGE,
FAST TRACK SPECIAL COURT,
KOYILANDY.

FAIR ORDER IN CMP558/2025 IN
SC 741/ 2024 DATED 12-12-2025