

IN THE COURT OF THE ADDL. SESSIONS JUDGE III, MANJERI
Present:- Sri.SURAJ S., Additional Sessions Judge - III

Tuesday, the 18th day of November, 2025

CRIMINAL MISCELLANEOUS PETITION Nos. 2370/2025 & 2469/2025
in SC 1118/2022
(Manjeri Police Station Crime No. 242/2022)

Between:-

K.V. Sabu, Advocate,
Special Public Prosecutor,
Manjeri.



Petitioner/
Complainant

And:-

1. Suhaib @ Kochu, S/o. Muhammed Ali,
Kottakuth Mattayil House, Nellikuth.
2. Abdul Majid P.T., S/o. Muhammed,
Pathiyanthodika House,
Nellikuth (P.O.), Oliprakkad.
3. Shamsheer K., S/o. Moideen,
Karuthedath House,
Valluvangad, Pandikkad.



Respondents/
Accused

These petitions are coming on this day for hearing before me in the presence of Sri. K.V. Sabu, Special Prosecutor, and of Sri. Mohammed Nihal K.P. Advocate for the first respondent, Sri. K.R. Vineeth, Advocate for 2nd respondent and Sri. N. Sreeprakash, Advocate for third respondent in both petitions, the court passed the following:

COMMON ORDER

The above applications were filed by the Special Public Prosecutor in the sessions case seeking to call for certain records. The case was charge-sheeted alleging that the accused committed offences punishable under Sections 341, 323, 427, 506(i), and 302 read with Section 34 of the Indian Penal Code.

2. In CMP No. 2370/2025, it is stated that the deceased initially underwent treatment at *Korambayil Hospital, Manjeri*. He was immediately referred to *Maulana Hospital, Perinthalmanna*. The outpatient record of the deceased dated 29.03.2022, issued from Korambayil Hospital, Manjeri, contains the initial medical observations made by the treating medical officers. This document is material for the prosecution, as it reflects the initial condition of the patient and the circumstances noted at the earliest point of medical intervention.

3. However, it has come to the notice of the prosecution that the outpatient record originally issued by Korambayil Hospital was also forwarded to Moulana Hospital, Perinthalmanna, and the same has not yet been produced before the Court. When the prosecution filed a petition under Rule 19(4) of the Criminal Rules of Practice, it had specifically stated that it was relying on the said document. The outpatient record is essential for the proper adjudication of the case. Hence, the prosecution prayed that a direction be issued to the Medical Officer of Moulana Hospital, Perinthalmanna, to produce the said document before the Court.

4. In CMP No.2469/2025, it is stated that after the initial treatment at Korambayil Hospital, Manjeri, the deceased was referred to Moulana Hospital, Perinthalmanna, where he subsequently succumbed to his injuries. The "History and Physical Examination Record" of the deceased, dated 03.03.2022, issued by Moulana Hospital, contains the details of the medical examination conducted upon his admission. This document is material and essential for the just decision of the case. The document is presently in the custody of the authorities of Moulana Hospital, and the prosecution has already included it in the list furnished under Rule 19(4) of the Criminal Rules of Practice. Therefore, the prosecution prays that a direction be issued to the Casualty Medical Officer, Moulana Hospital, Perinthalmanna, to cause production of the said document before the Court.

5. The accused persons filed a detailed counter, contending that it is impermissible to produce such documents at this stage. According to them,

the prosecution is attempting to fill up lacunae and rectify procedural lapses. Since the eyewitnesses have already been examined, the prosecution should not be allowed to introduce these documents, as doing so would offend the principles of a fair trial. It was further asserted that the Special Public Prosecutor's claim that copies of these documents had already been furnished to the defence is incorrect.

6. This, in essence, is the crux of the counter, though the counter statement is extensive and narrates the various stages of the case as well as several directions issued by this Court regarding the supply of copies.

7. Heard both sides. The learned Special Public Prosecutor submitted that the prosecution had already informed the defence, while complying with Rule 19(4) of the Criminal Rules of Practice, that it intended to rely on the aforesaid documents. According to the learned Prosecutor, copies of these documents had been supplied to the defence, and the defence had even cross-examined the prosecution witnesses on the basis of those very documents.

8. In contrast, the learned counsel for the accused contended that the assertion made by the Special Public Prosecutor is incorrect and that no such copies were ever furnished. It was further argued that the prosecution is attempting to fill up lacunae in its case and should not be allowed to produce documents that did not accompany the final report.

9. The first issue that arises for consideration is whether there is any legal prohibition against the prosecution producing a document that was not submitted along with the final report. The principal argument advanced by the learned counsel for the first accused is that the prosecution ought not to be permitted to introduce such a document at this stage.

In ***Central Bureau of Investigation v. R S Pai and Another (AIR 2002 SC 1644)***, the Hon'ble Supreme Court held that "*From the aforesaid subsections, it is apparent that normally, the investigating officer is required to produce all the relevant documents at the time of submitting the charge-sheet. At the same time, as there is no specific prohibition, it cannot be held that the additional documents cannot be produced subsequently. If some*

mistake is committed in not producing the relevant documents at the time of submitting the report or the charge-sheet, it is always open to the investigating officer to produce the same with the permission of the court. In our view, considering the preliminary stage of prosecution and the context in which the police officer is required to forward to the Magistrate all the documents or the relevant extracts thereof on which the prosecution proposes to rely, the word "shall" used in sub-section (5) cannot be interpreted as mandatory, but as directory. Normally, the documents gathered during the investigation upon which the prosecution wants to rely are required to be forwarded to the Magistrate, but if there is some omission, it would not mean that the remaining documents cannot be produced subsequently."

10. There are various precedents on this point, and it is incorrect to say that the prosecution cannot produce any document after the commencement of the trial. Therefore, the above argument cannot be accepted.

11. On the question of the relevancy of the documents, the prosecution's specific case is that the deceased was first taken to Korambayil Hospital, Manjeri, and thereafter referred to Moulana Hospital, Perinthalmanna. This factual sequence has not been disputed by the defence. The nature of the injuries sustained by the deceased and the medical assistance provided to him at Korambayil Hospital are relevant facts in this case. Similarly, the history and physical examination records maintained by Moulana Hospital are crucial for assessing the nature and gravity of the injuries suffered by the deceased. Accordingly, both documents are essential for a just adjudication of the case.

12. In the present case, the prosecution has so far examined only three eyewitnesses, along with certain witnesses who attested the inquest report and recovery mahazars. No medical officer has yet been examined, nor has the Investigating Officer been examined. Therefore, permitting the prosecution to produce the above documents at this stage will not cause any prejudice to the accused.

13. Since the above documents are very essential for the just decision of the case, these petitions are allowed, and the Casualty Medical Officer of Moulana Hospital, Perinthalmanna, is directed to cause the production of the

history and physical examination record of the deceased Abdul Jaleel, dated 03.02.2022, bearing OP No. 2122/07041 and IP No. 2122/018023. The above medical officer is further directed to cause the production of the outpatient record dated 29.03.2022 bearing token No. 30 of the deceased Abdul Jaleel originally issued by Korambayil Hospital, Manjeri (OP No. 2122/07041), before this court, within a period of one week. Both these applications are thus allowed.

(Dictated using Adalat AI voice dictation software, transcribed by it, corrected and pronounced by me in the open court on 18.11.2025.).

(Sd/-)
Addl. Sessions Judge-III.

Typed by : Sindhu M. P.
Compared by :

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**Fair/Copy of Common Order in C.M.P. Nos.
2370/2025 and 2469/2025 in SC 1118/2022
Dt: 18-11-2025**

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